

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.04.2017

CORAM:

THE HON'BLE MR. JUSTICE M.SUNDAR

Transfer C.M.P.No.447 of 2015
and
M.P.No.1 of 2015

Fenella Mary Wright ... Petitioner

Vs.

Bernard Cyril Rozario ... Respondent

This transfer CMP has been filed under Section 24 of CPC, seeking transfer of the case in MOP No.175 of 2015 on the file of the Family Court, Pondicherry to the file of the Family Court at Chennai.

For Petitioner : Mr.J.Saravanel

For Respondent : Mr.L.N.Praghasham

ORDER

This is a matrimonial matter.

2 The parties belong to Christian faith and therefore, governed by the Indian Divorce Act.

3 Mr.J.Saravanel, learned counsel, is present on behalf of the petitioner / wife and Mr.L.N.Praghasham, learned counsel, is present on behalf of the respondent / husband.

4 The prayer in the transfer petition is to transfer M.O.P.No.175 of 2015 pending on the file of the Family court, Pondicherry to the Family Court at Chennai.

5 Mr.Saravanel, now, points out that pending this transfer CMP, his client (wife) has filed a petition for divorce being I.D.O.P. No.622 of 2016 on the file of the I Additional Family Court, Chennai.

6 The learned counsel for the respondent / husband fairly submits that the case filed by the husband in Pondicherry can be transferred and tried along with the petition filed by the wife.

7 It is also pointed out that the petition filed by the husband is for restitution of conjugal rights and the petition filed by the wife is for divorce. Therefore, the two petitions have to necessarily be tried together to avoid any anomaly / conflicting decisions.

8 Therefore, the following order is passed:

a)M.O.P. No.175 of 2015 now pending on the file of the Family Court, Pondicherry shall be transferred to the file of the I Additional Family Court, Chennai.

b)On such transfer, as directed supra, the petition filed by the husband for restoration of conjugal rights (M.O.P. No.175 of 2015 on the file of the Family court, Pondicherry) shall be assigned a new number.

c)Thereafter, both the above said petitions shall be tried together and disposed of.

9 This Transfer CMP is disposed of on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

vvk

To

1.The Family Court,
Pondicherry.

2.I Additional Family Court,
Chennai.

+1cc to Mr.L.N.Praghasham,Counsel for Respondent sr.19765

sj(co)
ss(12/4/2017)

Tr.C.M.P.No.447 of 2015