

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.886 of 2015
and M.P.No.1 of 2015

B. Priyadharsini ... Petitioner

vs.

S. Vigneshwaran ... Respondent

Prayer: This transfer petition has been filed under Section 24 of C.P.C. praying to withdraw the F.C.O.P.No.200 of 2015 from the file of the Family Court at Vellore and transfer the same to the I Additional^(*) Family Court at Chennai, where O.P.No.2475 of 2017 is pending.

* (Amended vide order of this Court dated 10.11.2017 made in C.M.P.No.19366 of 2017 in Tr.C.M.P.No.886 of 2015).

For Petitioner : Ms.C.Shyaamala

For Respondent : Sd-No appearance

ORDER

This transfer petition has been filed by the petitioner/wife, seeking transfer of F.C.O.P.No.200 of 2015, on the file of Family Court, Vellore to the file of I Additional Family Court, Chennai to be tried along with O.P.No.2475 of 2017.

2. The wife has originally filed O.P.No.4333 of 2015 under Section 9 of Hindu Marriage Act, on the file of II Additional Family Court, Chennai for restitution of conjugal rights. The same was pending. The husband has filed F.C.O.P.No.200 of 2015 under Section 13(1)(i-a) of Hindu Marriage Act, on the file of Family Court, Vellore for dissolution of marriage held between the petitioner and the respondent on 02.11.2014 on the ground of cruelty.

3. Earlier, the wife had filed a transfer petition to transfer F.C.O.P.No.200 of 2015 from the file of Family Court, Vellore to II Additional Family Court, Chennai to be tried along with O.P.No.4333 of 2015 filed by her. In the meanwhile, the F.C.O.P.No.200 of 2015 was dismissed for default on 01.02.2017 and it is now stated by the learned counsel for the petitioner that it was restored on 16.09.2017. In the meanwhile, the wife had withdrawn the O.P.No.4333 of 2015 on 12.06.2017 filed for restitution of conjugal rights and filed another O.P.No.2475 of 2017 for divorce on the file of I Additional Family Court, Chennai. Due to the subsequent development, the petitioner has also filed C.M.P.No.19366 of 2017, seeking permission to amend the prayer. The said petition is allowed.

4. It is stated that the wife is living in Chennai and it is difficult for her to go to vellore. It is also a Family Court, where the presence of the parties is mandatory. Therefore, the transfer petition is filed on the ground of convenience of the wife.

5. Heard the learned counsel for the petitioner. Though the respondent served with notice, he has not cared to appeared either in person or through counsel.

6. As both the parties have filed only for divorce, it becomes appropriate to try both at same place to avoid any conflict of decisions. Accordingly, considering the convenience of the wife as well as the fact that the husband has not been appearing either in person or through counsel, this Court is inclined to transfer F.C.O.P.No.200 of 2015, on the file of Family Court, Vellore to the file of I Additional Family Court, Chennai to be tried along with O.P.No.2475 of 2017.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed by withdrawing F.C.O.P.No.200 of 2015, pending on the file of Family Court, Vellore and transferring the same to the file of

PUSHPA SATHYANARAYANA, J.

rsi

I Additional Family Court, Chennai to be tried along with O.P.No.2475 of 2017. No Costs. Consequently, connected miscellaneous petition is closed.

10.11.2017

rsi

To

1. The Judge,
Family Court, Vellore.
2. The I Additional Judge,
Family Court, Chennai.



Tr.C.M.P.No.886 of 2015
and M.P.No.1 of 2015

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