

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.739 of 2013

1.V.Rajamanickam

2.V.Sekar

...

Petitioners/defendants

Versus

S.Mala

...

Respondent/Plaintiff

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the suit in O.S.No.181 of 2013, from the file of Sub Court, Tambaram and transfer the same to the file of III Additional Family Court, Chennai to be tried along with O.P.No.4324 of 2011 pending for divorce.

For Petitioners : Mr.V.Chandrasekaran

For Respondent : Mr.P.Narayanamoorthy

ORDER

The husband in a matrimonial proceedings has filed the Transfer Civil Miscellaneous Petition seeking to withdraw O.S.No.181 of 2013, from the file of Subordinate Court, Tambaram and transfer the same to the file of III Additional Family Court, Chennai to be tried along with O.P.No.4324 of 2011.

2. Heard both sides.

3. It is stated that the marriage between the petitioner and the respondent was solemnized on 25.10.1993. Due to misunderstanding between them, the petitioner/husband has filed O.P.No.4324 of 2011 on the file of III Additional Family Court, Chennai seeking divorce and the respondent/wife also filed O.P.No.2972 of 2016, before the III Additional Family Court, Chennai and the same is pending. The respondent/wife has filed O.S.No.181 of 2013, before the Subordinate Court, Tambaram for partition against the husband/petitioner herein.

4. As all the three matters are only between the same

parties and already two of the matters are before the same Court, it would be appropriate to transfer the suit from the file of Subordinate Court, Tambaram to the Family Court, Chennai to try along with O.P.Nos.4324 of 2011 and 2972 of 2016.

4. Accordingly this Transfer Civil Miscellaneous Petition is disposed of and the proceedings in O.S.No.181 of 2013 pending in Subordinate Court, Tambaram is withdrawn and transferred to the file of III Additional Family Court, Chennai to be tried along with O.P. Nos.4324 of 2011 and 2972 of 2016. No costs. Consequently, connected Miscellaneous Petition is closed.No costs.

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

arr

To

1.The Sub court,
Tambaram.

2.The III Additional Family Court,
Chennai-104.

+1cc to Mr.*\V.Chandra Sekaran, Advocate SR.No.90214

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GN(25/01/2018)

सत्यमेव जयते

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