

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.670 of 2016

and

C.M.P.No.17603 of 2016

S.M.Nazeem Banu ... Petitioner/Petitioner

Vs.

S.Musthaq Ali ... Respondent/Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code praying to withdraw and transfer G.W.O.P.No.7 of 2016 on the file of the Principal District Court, Chengalpattu, to be tried along with C.M.P.No.170 of 2016 in M.C.No.210 of 2011 on the file of the Family Court, Coimbatore.

For petitioner: Mr.S.Mukunth

For respondent: Mr.R.Rangarajan

ORDER

In a matrimonial dispute between the petitioner-wife and the respondent-husband, the wife has been living in her parents' house due to adulterous life of her husband. The wife filed M.C.No.120 of 2011 before the Family Court, Coimbatore for maintenance, in which, maintenance was ordered to be paid on 25.05.2016, which is not stated to have been paid till today. She filed C.M.P.No.170 of 2016 to direct the husband to pay the arrears of maintenance. It is further stated that the respondent-husband filed G.W.O.P.No.7 of 2016 before the Principal District Court, Chengalpattu, seeking interim custody of their son, who is with the petitioner. It is to be noted that Coimbatore is about 450 Kms. from Chengalpattu, where the husband is residing. Her parents had to accompany her for hearing of the case in Chengalpattu from Coimbatore. Since the issues in both the said C.M.P. and G.W.O.P. are inter-related, she seeks transfer of the case from Chengalpattu to Coimbatore. In order to avoid conflict of decisions and multiplicity of

proceedings, it is all the more necessary that the said G.W.O.P. has to be transferred to Coimbatore, to be tried along with the said M.C/C.M.P. filed by the petitioner-wife. Taking into consideration the above grievances of the petitioner and also taking into account the fact that the petitioner has to travel all the way from Coimbatore to Chengalpattu along with her parents and child, it is just and necessary that G.W.O.P. had to be transferred to Coimbatore. Accordingly, this Tr.C.M.P. is allowed and G.W.O.P.No.7 of 2016 pending on the file of the Principal District Court, Chengalpattu, shall stand transferred to the file of the Family Court, Coimbatore, to be tried along with M.C.No.210 of 2011 (C.M.P.No.170 of 2016). No costs. C.M.P. is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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Copy to

1. The Principal District Judge, Chengalpattu.
2. The Principal Judge, Family Court, Coimbatore.

+1cc to Mr.Sarvabhunman Associates, Advocate, S.R.No.8027

pvs (CO)
md(23/02/2017)

Tr.C.M.P.No.670 of 2016

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