

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.734 of 2016
and C.M.P.No.19068 of 2016

M.Uma @ Niranjani .. Petitioner

-Vs-

L.Uma Shankar @ Muthuraj .. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw the H.M.O.P.No.149 of 2015 pending on the file of the Sub Court at Tambaram and transfer the same to the file of the I Additional Family Court, Chennai to try jointly along with O.P.No.892 of 2015 pending on the file of the I Additional Family Court, Chennai.

For petitioner ...Mr.S.Sathish Rajan
For respondent ...Mr.M.Senthil Kumar

O R D E R

The transfer petition is filed by the petitioner-wife seeking transfer of H.M.O.P.No.149 of 2015 from the file of the Sub Court, Tambaram to the file of the I Additional Family Court, Chennai to be tried along with H.M.O.P.No.892 of 2015.

2. H.M.O.P.No.892 of 2015 is filed by the petitioner-wife before the Family Court, Chennai for restitution of conjugal rights under Section 9 of the Hindu Marriage Act. Subsequently, the respondent-husband had filed H.M.O.P.No.149 of 2015 before the Sub Court, Tambaram, for divorce under Section 13(1) (i-a) of the Hindu Marriage Act.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

4. It is stated that both the petitioner and the respondent are living under the same roof in the same address. However, they have chosen to file the O.Ps at different forums. There would be conflict of interest if the above O.Ps are tried independently. It is stated that H.M.O.P.No.892 of 2015 pending on the file of the Family Court, Chennai filed by the wife,

which is prior in point of time and the transfer petition is filed only by the wife contending that she is humiliate whenever she appears in the Sub Court, Tambaram. Hence, the petitioner seeks for transfer.

5. Considering the convenience of the petitioner-wife and also taking note of the fact that in the matrimonial proceedings, the wife's convenience has to be given importance, and that in order to avoid multiplicity of proceedings and conflict of decisions, this Tr.C.M.P is allowed and H.M.O.P.No.149 of 2015 pending on the file of the Sub Court, Tambaram, shall stand withdrawn and transferred to the I Additional Family Court, Chennai to be tried along with H.O.P.NO.892 of 2015. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Sub Judge, Tambaram
2. The I Additional Family Judge, Chennai.

+1cc to Mr.M. Senthil Kumar, Advocate, S.R.No.14021
+1cc to Mr.S. Sathish Rajan, Advocate, S.R.No.13242

SAI(CO)
Eu 21.03.17

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