

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.1055 of 2017

P.Rajkumar @ Raja

... Petitioner

Versus

A.Vasugi @ Vidhya

... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw and transfer the H.M.O.P.No.66 of 2016 pending on the file of the Sub Court, Arakkonam to be tried along with M.C.No.74 of 2017 pending on the file of the IV Additional Judge, Family Court, Chennai for joint trial.

For Petitioner : Mr.K.A.Mariappan

For Respondent : No Appearance

O R D E R

The petitioner/husband in a matrimonial proceedings has filed this Transfer Civil Miscellaneous Petition, seeking transfer of H.M.O.P.No.66 of 2016 pending on the file of the Sub Court, Arakkonam to the file of the IV Additional Judge, Family Court, Chennai to be tried along with M.C.No.74 of 2017.

2. The petitioner-husband has filed the above H.M.O.P.No.66 of 2016 under Section 13(i) (b) of the Hindu Marriage Act on the file of the Sub Court, Arakkonam for divorce, whereas, the respondent-wife has filed a maintenance petition in M.C.No.74 of 2017 before the IV Additional Family Court, Chennai.

3. It is stated in paragraph 6 of the petition that since the petitioner-husband has been attending the case in M.C.No.74 of 2017 filed by the wife, before the IV Additional Family Court, Chennai, he has got no objection in transferring the H.M.O.P.No.66 of 2016 filed by him, which is pending on the file of the Sub Court, Arakkonam to the file of the IV Additional Family Court, Chennai to be tried along with M.C.No.74 of 2017.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. The wife, who has been served with notice privately as well as through Court, has not entered appearance either in person or through counsel.

6. As the petitioner-husband himself is seeking transfer of H.M.O.P.66 of 2016 filed by him to Chennai, where the wife has filed the maintenance case, no prejudice would be caused to the respondent-wife, if the said H.M.O.P is transferred.

7. Considering the submission made by the learned counsel for the petitioner, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.66 of 2016, pending on the file of Sub Court, Arakkonam is withdrawn and transferred to the file of the IV Additional Judge, Family Court, Chennai to be tried along with M.C.No.74 of 2017. No Costs.

Sd/-

Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

To

1. The Sub Judge,
Arakkonam

2. The IV Additional Judge,
Family Court, Chennai.

+lcc to Mr.KA.Mariappan, Advocate Sr.No.18648

LRS (CO)

sm:10.4.2018

सत्यमेव जयते

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