

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.366 of 2017

and C.M.P.No.7158 of 2017

Vinu Preethi ... Petitioner

versus

C. Jagadeesh ... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.502 of 2016 on the file of Subordinate Court, Tambaram and transfer the same to I Additional Family Court, Chennai and try along with H.M.O.P.No.4238 of 2016 pending on the file of I Additional Family Court, Chennai.

For Petitioner : Mr.M.Muthappan

For Respondent : Mr.T.Thyagarajan

O R D E R

The transfer petition is filed by the petitioner/wife, who has filed H.M.O.P.No.4238 of 2016 for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, before the I Additional Family Court, Chennai. The respondent/husband has filed H.M.O.P.No.502 of 2016 for divorce under Section 13(1)(ia) of the Hindu Marriage Act, before the Sub Court, Tambaram. The transfer is now sought for to withdraw H.M.O.P.No.502 of 2016, pending on the file of Sub Court, Tambaram and transfer the same to the file of I Additional Family Court, Chennai, to be tried along with H.M.O.P.No.4238 of 2016.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. After hearing arguments of both the counsels, it is stated that both the parties are employed. The petitioner/wife is a Professor and respondent/husband is working in a private Bank. It is agreed by both the counsels that if the O.Ps. are tried together in Sub Court, Tambaram, it could be convenient

for both the parties, as the appearance of the parties is not mandatory in Sub Court. As the reliefs asked for by the parties are mutually contradictory, it is appropriate to direct the Court to try both the O.Ps. together to avoid any conflict in decisions. Though the transfer petitioner is seeking transfer of H.M.O.P.No.502 of 2016 from the file of Sub Court, Tambaram to the file of I Additional Family Court, Chennai, to enable both the parties to proceed with the matters by not appearing for each of the hearing, this Court is of the view that H.M.O.P.No.4238 of 2016, filed by the petitioner/wife, pending before the I Additional Family Court, Chennai could be withdrawn and transferred to Sub Court, Tambaram, where H.M.O.P.No.502 of 2016 is already pending.

4. Accordingly, with the consent of both the counsels, the Transfer Civil Miscellaneous petition is disposed of and H.M.O.P.No.4238 of 2016, pending on the file of I Additional Family Court, Chennai shall stand withdrawn and transferred to the file of Sub Court, Tambaram, to be tried along with H.M.O.P.No.502 of 2016. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-)

//True Copy//

Sub Assistant Registrar

rsi
To

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

+1cc to Mr.T.THIYAGARAJAN, Advocate, S.R.No. 7535
+1cc to Mr.M.MUTHAPPAN, Advocate, S.R.No. 7576

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CNR(CO)
TR(19/02/2018)