

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.418 of 2017
and C.M.P.No.8730 of 2017

S. Queen Galena Dorothy ... Petitioner

versus

Ilayaraja Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw D.O.P.No.1470 of 2017 from the file of the II Additional Family Court at Chennai (for restitution of conjugal rights) and transfer the same to the file of Principal Family Court, Coimbatore for being tried along with D.O.P.No.517 of 2017 for (divorce) pending therein.

For Petitioner : Mr.C.Arunkumar

For Respondent : Mr.V.Purushothaman

O R D E R

This transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking to withdraw D.O.P.No.1470 of 2017 from the file of the II Additional Family Court at Chennai and transfer the same to the file of Principal Family Court, Coimbatore, to be tried along with D.O.P.No.517 of 2017.

2. The petitioner/wife has filed D.O.P.No.517 of 2017 under Section 10(1)(vii) of the Divorce Act, before the Principal Family Court, Coimbatore to declare the marriage held on 29.04.2011 as null and void. The wife has also filed a petition in M.C.No.23 of 2016 under Section 125 of Cr.P.C. before the Principal Family Court, Coimbatore for maintenance. Both the proceedings are pending before the Principal Family Court, Coimbatore as the wife is residing in Coimbatore. Consequent to the above two proceedings, the respondent/husband has filed D.O.P.No.1470 of 2017 under Section 32 of the Divorce Act, before the II Additional Family Judge, Chennai for restitution of conjugal rights.

3. In paragraph 9 of the affidavit filed in support of the petition it is stated that the distance between Coimbatore and Chennai is around 520 kms. The petitioner/wife find it

difficult to travel alone to Chennai for each hearing as the respondent and his family members are the permanent resident at Chennai. Having expressed her difficulty the petitioner/wife is seeking transfer of the D.O.P.No.1470 of 2017 from the file of II Additional Family Court, Chennai to be tried along with D.O.P.No.517 of 2017 pending on the file of Principal Family Court, Coimbatore.

4. Heard the learned counsel for the petitioner as well as learned counsel for the respondent.

5. Besides, the petitioner/wife, who has already initiated two proceedings against the respondent/husband, who is also attending the same, the convenience of the wife has to be considered under Section 24. Admittedly, the husband is attending the above said proceedings filed by the wife, before the Principal Family Court at Coimbatore. Therefore, to avoid any conflict in decisions and also to suit the convenience of the petitioner, the O.P. initiated by the husband would also be transferred to the Principal Family Court at Coimbatore to be tried along with other two pending proceedings between the parties.

6. Though the learned counsel appearing for the respondent objected to the same for the above said reasons, the transfer petition is ordered as prayed for.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and D.O.P.No.1470 of 2017, pending on the file of II Additional Family Court, Chennai shall stand withdrawn and transferred to the file of Principal Family Court, Coimbatore, to be tried along with D.O.P.No.517 of 2017 and M.C.No.23 of 2016, which are already pending. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rsi

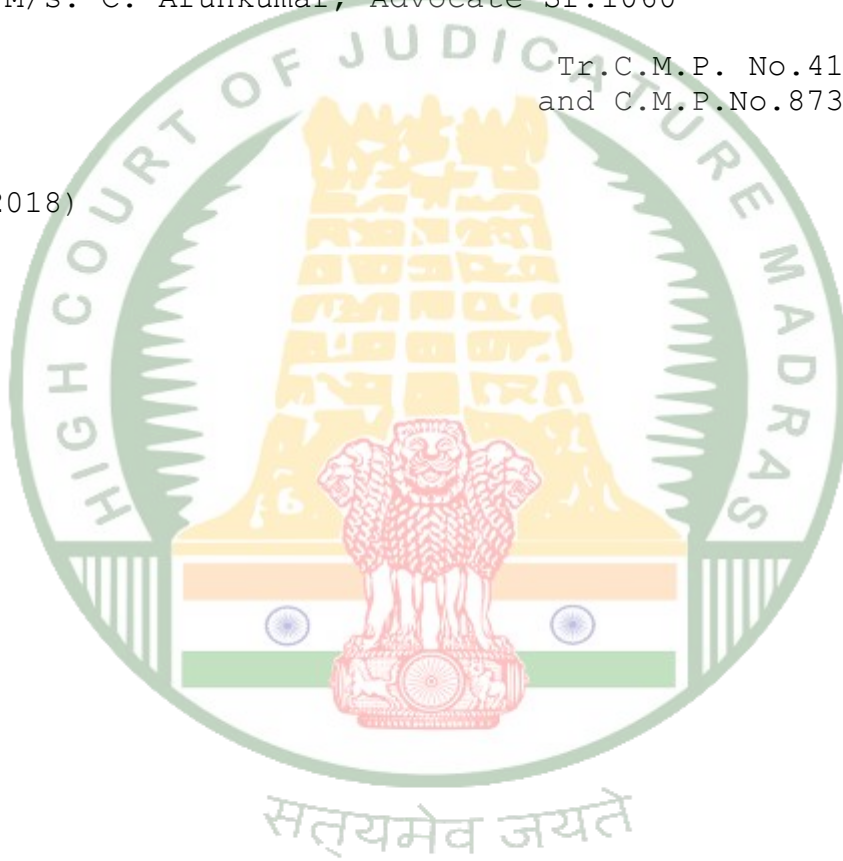
To

1. The II Additional Judge,
Family Court, Chennai.
2. The Principal Judge,
Family Court, Coimbatore

+ 1 cc to M/s. C. Arunkumar, Advocate Sr.1060

Tr.C.M.P. No.418 of 2017
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SR(CO)
EU(06/02/2018)



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