

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.449 of 2017  
and C.M.P.No.9223 of 2017

S. Sivasankari

... Petitioner

versus

S. Vinoth Kumar

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw G.W.O.P.No.5 of 2017 from the file of the Principal District Court at Chengalpet and to transfer the same to the file of the II Additional Family Court at Chennai.

For Petitioner : Mr.S.Janarthanan  
For Respondent : Mr.M.Raja Senthoorpandian

O R D E R

The petitioner/wife in the matrimonial dispute has filed this transfer Civil Miscellaneous Petition seeking to withdraw G.W.O.P.No.5 of 2017 pending on the file of Principal District Court, Chengalpet and transfer the same to the file of II Additional Family Court, Chennai to be tried along with O.P.No.2415 of 2015 and M.C.No.282 of 2015, which are also pending before the same Court.

2. The respondent/husband has filed G.W.O.P.No.5 of 2017 under Section 7 of the Guardians and Wards Act before the Principal District Judge, Chengalpet for custody of his children. The petitioner/wife has filed O.P.No.2415 of 2015 under Section 9 of the Hindu Marriage Act before the II Additional Family Court, Chennai for restitution of conjugal rights. She has also filed M.C.No.282 of 2015 under Section 125 of Cr.P.C. before the II Additional Family Court, Chennai for maintenance.

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

4. It is stated that initially, the said G.W.O.P. was filed in Chennai. However, for want of jurisdiction, it was directed to be filed before the Principal District Court, Chengalpet. Now, the petitioner has expressed difficulty in conducting the G.W.O.P. before the Principal District Judge, Chengalpet.

5. The learned counsel appearing for the respondent also has got no serious objection for transfer of G.W.O.P. to be tried along with other two proceedings.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and G.W.O.P.No.5 of 2017, pending on the file of Principal District Court, Chengalpet shall stand withdrawn and transferred to the file of II Additional Family Court, Chennai, to be tried along with O.P.No.2415 of 2015 and M.C.No.282 of 2015, which are already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 Principal District Judge,  
Chengalpet.
2. The II Additional Judge,  
Family Court, Chennai.

+lcc to Mr.S.Janarthan, Advocate SR.No.244

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KAN (CO)

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