

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.745 of 2017
and C.M.P.No.15202 of 2017

J. Manimekalai

... Petitioner/2nd Respondent

versus

1. Angammai@Ramya

2. S. Balakrishnan

.... Respondents/Petitioner/
1st respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw O.P.No.2581 of 2016 pending on the file of the Principal Family Court, Chennai and transfer the same to the Family Court, Erode.

For Petitioner : Mr.T.Gowthaman

For R1 : Mr.R.Mubarak Basha

For R2 : Served - No appearance

O R D E R

The present transfer petition is filed by the second respondent in O.P.No.2581 of 2016, which is pending on the file of the Principal Family Court, Chennai seeking to transfer the same to the file of the Family Court, Erode.

2. The first respondent S.Balakrishnan in O.P. is the husband. The petitioner in the O.P. is his second wife and the second respondent therein is the first wife. Now, the transfer petitioner/first wife has filed this transfer petition to withdraw O.P.No.2581 of 2016 filed by the first respondent herein/second wife under Section 11 of the Hindu Marriage Act for declaration that the marriage between the first respondent and second respondent herein is null and void.

3. The transfer petitioner, who is the first wife has been made as formal party in the O.P. It is now represented that the first wife is set exparte on 06.07.2017 and so far no steps have

been taken to set aside the same. The interim stay was granted by this Court only on 06.09.2017, which is two months after the transfer petitioner is set exparte in the O.P. As the relief sought for in the O.P. is also against the second respondent in the Tr.C.M.P., the transfer sought for by the first wife as petitioner is not warranted. Hence, the same is dismissed.

4. It is open to the parties to resolve all the disputes appropriately on merits before the Trial Court. The appearance of the transfer petitioner/first wife is dispensed with till the commencement of trial. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Principal Judge,
Family Court, Chennai.
2. The Family Judge,
Erode.

+lcc to Mr.T.Gowthaman, Advocate, S.R.No.18054

+lcc to Mr.R.Mubarak Basha, Advocate, S.R.No.18242

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SKV(CO)

CS/04/04/18

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