

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.77 of 2017

T.S.Subramanyam

... Petitioner

Vs.

Usharani

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw O.S.No.30 of 2012 pending on the file of the ***District Court, Thiruvallur** and to transfer the same to the file of the III Additional Family Court, Chennai and to try along with M.C.No.327 of 2013 and O.P.No.3972 of 2016, which are pending on its file.

For Petitioner : M/S.Uma Venkatesan
For Respondent : Mr.K.Babu

O R D E R

This petition is filed to withdraw O.S.No.30 of 2012 pending on the file of the ***District Court, Thiruvallur** and to transfer the same to the file of the III Additional Family Court, Chennai and to try along with M.C.No.327 of 2013 and O.P.No.3972 of 2016, which are pending on its file.

2.The petitioner is the husband and respondent is the wife. The marriage between the petitioner and respondent was conducted on 12.02.2003 as per Hindu rites and customs. Due to difference of opinion, both the petitioner and respondent are living separately. The respondent filed suit O.S.No.30 of 2012 for partition of the property, which was purchased in the joint names of both the petitioner and respondent, on the file of the ***District Court, Thiruvallur**. The respondent also filed M.C.No.327 of 2013 under Section 125 Cr.P.C. on the file of the III Additional Family Court, Chennai, claiming maintenance. The petitioner filed O.P.No.3972 of 2016 on the file of the III Additional Family Court, Chennai, for divorce. In view of the pendency of both M.C.No.327 of 2013 and O.P.No.3972 of 2016 on the file of the III Additional Family Court, Chennai, the petitioner has come forward with this petition to transfer O.S.No.30 of 2012 from the file of the ***District**

Court, Thiruvallur, to the file of the III Additional Family Court, Chennai, to try along with O.P.No.3972 of 2016 filed by the petitioner and M.C.No.327 of 2013 filed by the respondent.

3. When this petition is taken up for hearing, the learned counsel appearing for the respondent has submitted that the respondent has no objection to transfer O.S.No.30 of 2012 pending on the file of the ***District Court, Thiruvallur,** to the file of the Family Court-III, Chennai, to try along with M.C.No.327 of 2013 and O.P.No.3972 of 2016 pending on its file and he has also made an endorsement to that effect.

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

5. In view of the submission and endorsement so made by the learned counsel for the respondent, the suit in O.S.No.30 of 2012 pending on the file of the ***District Court, Thiruvallur,** is ordered to be withdrawn and transferred to the file of the III Additional Family Court, Chennai, to be tried along with M.C.No.327 of 2013 and O.P.No.3972 of 2016, in order to avoid multiplicity of proceedings and conflicting judgments being delivered by two different Courts. The learned ***District Court, Thiruvallur,** is directed to transmit all the records pertaining to O.S.No.30 of 2012 to the file of the III Additional Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order.

6. Accordingly, the Transfer Civil Miscellaneous Petition is ordered. No costs.

Sd/-

Assistant Registrar(CS II)

Dated: 03.05.2018

* Corrected as per order dated 01.08.2018 made in Tr.C.M.P. 77/2017.

Sd/- Assistant Registrar(CS II)

Dated: 12.09.2018

//True Copy//

Sub Assistant Registrar

kj

To

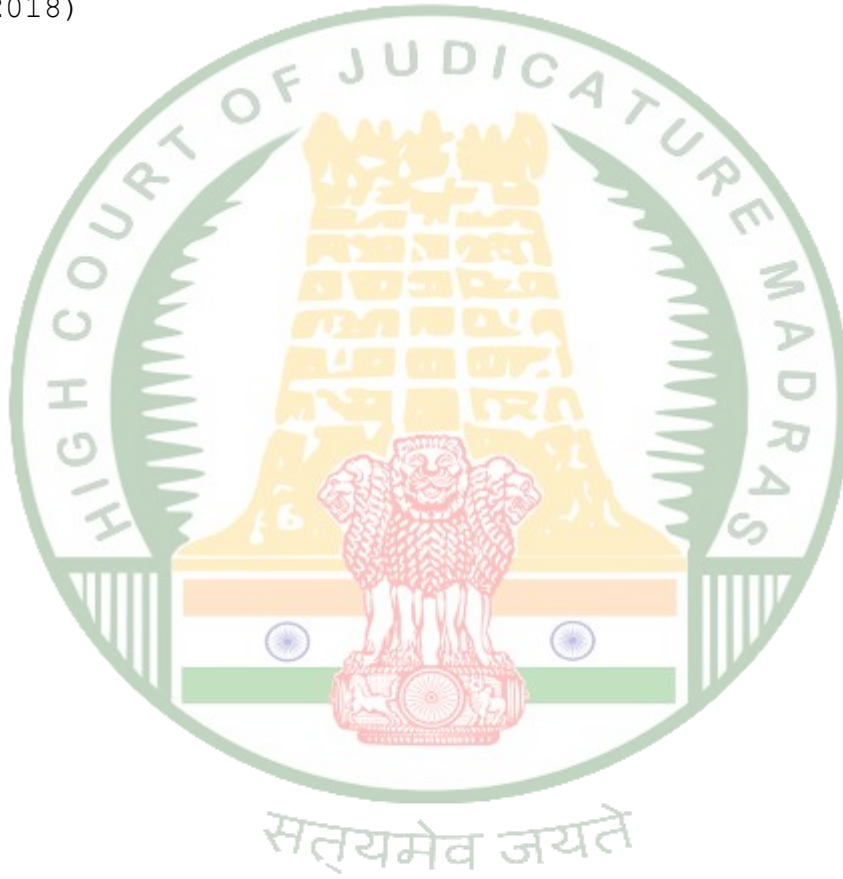
1. The District Court, Thiruvallur. To be substituted to the order already despatched on 28.05.2018.

2.The IIIrd Additional Family Court,
Chennai

+1 cc to M/s.S.Janarthanan Advocate sr 25668

Tr.C.M.P. No.77 of 2017

RR(CO)
AA11/05/2018
SP(14/09/2018)



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