

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.952 of 2017

and

C.M.P.No.19130 of 2017

Sathiya ... Petitioner/Respondent

versus

G. Aranganathan Respondent/Petitioner

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw and transfer H.M.O.P.No.352 of 2016 pending before the Subordinate Court at Tambaram to the Family Court at Chennai, High Court Campus, Chennai - 600 104.

For Petitioner : Mr.S.Sundar

For Respondent : Mr.B.Ramesh Babu

O R D E R

The Transfer Civil Miscellaneous Petition is filed by the petitioner/wife in the matrimonial proceedings seeking transfer of H.M.O.P.No.352 of 2016 pending on the file of Subordinate Court, Tambaram to the file of Family Court, Chennai.

2. The respondent/husband had filed H.M.O.P.No.352 of 2016 under Section 11 of the Hindu Marriage Act, before the Subordinate Judge, Tambaram to declare that the marriage took place between the petitioner and himself as void. The petitioner/wife had filed O.P.No.4729 of 2016 under Section 9 of the Hindu Marriage Act for restitution conjugal rights, which is pending before the Principal Family Court, Chennai. The petitioner had also said to have filed M.C.No.8 of 2018, which is also pending before the Principal Family Court, Chennai. She expressed difficulty to travel all the way from Chennai to Tambaram. Hence, she is seeking transfer of H.M.O.P.No.352 of 2016 from Subordinate Court, Tambaram to the Principal Family Court, Chennai.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent. The learned counsel

appearing for the respondent/husband has got no serious objection for the transfer.

4. In the above circumstances considering Section 19 (iii-a) of the Hindu Marriage Act, which speaks that the convenience of the wife is paramount, and also there will be a conflict in decisions, if the above said O.Ps. are tried in two different places, this Court feels it appropriate to transfer H.M.O.P.No.352 of 2016 from the file of Subordinate Court, Tambaram to the file of Principal Family Court, Chennai, where the other two matters are pending.

5. Accordingly, the Transfer Civil Miscellaneous petition is allowed and H.M.O.P.No.352 of 2016, pending on the file of Subordinate Court, Tambaram is transferred to the file of Principal Family Court, Chennai, to be tried along with O.P.No.4729 of 2016 and M.C.No.8 of 2018. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Subordinate Judge,
Tambaram.
2. The Principal Family Judge,
Chennai.

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SS(CO)
EU(09/04/2018)

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