

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2018

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.139 of 2018
and C.M.P.No.3759 of 2018

C.S.Bramarambha .. Petitioner

Vs.

Y.Yoganjineyalu ... Respondent

Petitions filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.3019 of 2017 on the file of the VI Additional Family Court, Chennai and transfer the same to the file of the Principal Family Court, Chennai.

For Petitioner : Mr.N.Saravanan

O R D E R

The petitioner-wife has filed this Transfer Civil Miscellaneous Petition seeking to withdraw H.M.O.P.No.3019 of 2017 pending on the file of the VI Additional Family Court, Chennai and transfer the same to the file of the Principal Family Court or any other Family Courts at Chennai.

2. The respondent-husband has filed the above H.M.O.P.No.3019 of 2017 under section 13 (1) (ia) (iii) of the Hindu Marriage Act on the file of the VI Additional Family Court, Chennai for divorce. It is stated that the petitioner-wife has filed H.M.O.P.No.295 of 2018 under Section 9 of the Hindu Marriage Act for restitution of conjugal rights, which is also pending before the same Court. Earlier, a maintenance case in M.C.No.478 of 2015 was filed by the petitioner-wife before the VI Additional Family Court, Chennai and it was also ordered on 02.11.2017. Now, the petitioner is seeking this transfer of the said H.M.O.P.No.3019 of 2017 pending on the file of the VI Additional Family Court, Chennai to the Principal Family Court, Chennai, without any valid reasons.

3. It is stated by the learned counsel for the petitioner-wife that he had not even filed a memo requesting the Court to conduct the trial jointly or simultaneously. But, the transfer petition is filed only for transferring the said H.M.O.P.No.3019 of 2017 alone to the Principal Family Court, Chennai. If the said H.M.O.P.No.3019 of 2017 is transferred to any other Court, it would lead to conflict of decisions, as relief sought for in both H.M.O.Ps are mutually contradictory. Hence, there is no merit in this case.

4. Accordingly, the Tr.C.M.P is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

srn

To

1.The VI Additional Family Court, Chennai

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