

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON :16.08.2018

PRONOUNCED ON :23.08.2018

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P.No.177 of 2018

&

C.M.P.No.4823 of 2018

Varshitha @ Savithri ...Petitioner

Vs.

Saravanasharma ...Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the M.O.P.No.23 of 2018 on the file of Family Court at Puducherry and to transfer the same to the First Additional Family Court at Chennai and to try along with the H.M.O.P.No.616 of 2018.

For Petitioner : Mr.D.Velu

For Respondent : Mr.D.Sivachandran

O R D E R

Petitioner is the wife. Respondent is the husband.

2. The marital life between the parties is not cordial. Accordingly, it is found that the petitioner has filed H.M.O.P.No.616 of 2018 for restitution of conjugal rights against the respondent which is pending on the file of I Additional Family Court, Chennai. It is further seen that the the respondent has filed M.O.P.No.23 of 2018 for divorce against the petitioner which is pending on the file of Family Court, Pondicherry.

3. It is thus found that two proceedings are pending between the parties as regards the issues between them with reference to their marital life and in such view of the matter, in the interest of justice, common adjudication is the best way of disposal of the abovesaid two proceedings by the same court as the same would avoid conflict of decisions and also would enable the parties to adduce common evidence in both the proceedings as regards the issues involved between them. Thus, it is found that transfer request of the petitioner is justified.

4. Further, it is found that the petitioner is residing with her aged parents and thereby expressed hardship in traveling to Pondicherry to attend the proceeding initiated by the respondent against her. The respondent's counsel though would controvert the abovesaid facts, however, considering the fact that common adjudication of the abovesaid proceedings by one and the same court would be in the interest of the parties and in the interest of justice, and if the two proceedings are tried and adjudicated by the Court at Chennai, when thereby it is found that no serious prejudice would be caused to the respondent, accordingly the transfer request of the petitioner is accepted.

5. For the reasons aforesaid, the M.O.P.No.23 of 2018 is withdrawn from the file of Family Court, Pondicherry and transferred to the file of First Additional Family Court, Chennai to be tried along with H.M.O.P.No.616 of 2018.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

mfa

To

1. The Family Court at Puducherry.

2. The Additional Family Court at Chennai.

+2cc to Mr.D.Velu Advocate, S.R.No. 57494

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GN(07/09/2018)