

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. Nos.210 and 272 of 2018
and C.M.P.Nos.5372 and 6875 of 2018

Tr.C.M.P.No.210 of 2018
B.Thangapandi Srinivasan

... Petitioner

Vs.

G.Prabha

.... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.262 of 2017 pending on the file of the Sub-Court, Namakkal and transfer the same to the file of the IV Additional Family Court, Chennai.

For Petitioner : Mr.N.Kumar Rajan
For Respondent : Mr.S.Saravanakumar

Tr.C.M.P.No.272 of 2018
G.Prabha

... Petitioner

Vs.

B.Thangapandi Srinivasan

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.514 of 2018 pending on the file of the IV Additional Family Court, Chennai and transfer the same to the file of the Sub-Court, Namakkal, to try along with H.M.O.P.No.262 of 2017 pending on its file.

For Petitioner : Mr.S.Saravanakumar
For Respondent : Mr.N.Kumar Rajan

C O M M O N O R D E R

Tr.C.M.P.No.210 of 2018 is filed by the husband to withdraw H.M.O.P.No.262 of 2017 pending on the file of the Sub-Court, Namakkal and transfer the same to the file of the IV Additional Family Court, Chennai.

Tr.C.M.P.No.272 of 2018 is filed by the wife to withdraw H.M.O.P.No.514 of 2018 pending on the file of the IV Additional Family Court, Chennai and transfer the same to the file of the Sub-Court, Namakkal, to try along with H.M.O.P.No.262 of 2017 pending on its file.

2.For the sake of convenience, the parties are referred to as husband and wife.

3.The marriage between husband and wife was conducted on 16.05.2013 as per Hindu rites and customs. In the wedlock, a male child was born on 20.03.2014. Due to difference of opinion, both the husband and wife are living separately. The wife filed H.M.O.P.No.262 of 2017 on the file of the Sub-Court, Namakkal, for restitution of conjugal rights against the husband. The husband filed H.M.O.P.No.514 of 2018 on the file of the IV Additional Family Court, Chennai, for divorce against the wife.

4.According to the husband, he is working in Chennai and he is residing at Bangalore. Due to his profession, he often travel to Bangalore and other places and hence, it is very difficult for him to travel to Namakkal to attend the Court proceedings for each and every hearing. He further contented that the father of the wife assaulted him and his mother at his residence at Bangalore. In the circumstances, he has come forward with Tr.C.M.P.No.210 of 2018 to withdraw H.M.O.P.No.262 of 2017 pending on the file of the Sub-Court, Namakkal and transfer the same to the file of the IV Additional Family Court, Chennai.

5.The learned counsel appearing for the wife submitted that the wife is residing at Namakkal along with her minor child and mother. The distance between Namakkal and Chennai is more than 400 kilometers and hence, it is very difficult for her to travel to attend the Court proceedings at Chennai, along with the minor child. On the other hand, the petition filed by the husband may be transferred to the Sub-Court, Namakkal, to be tried along with H.M.O.P.No.262 of 2017 filed by her and prayed for dismissal of Tr.C.M.P.No.210 of 2018 filed by the husband.

6.Heard the learned counsel for the husband as well as the wife and perused the materials available on record.

7.In view of the above submissions made by both the learned counsel appearing for the husband and wife and convenience of both the parties, in the interest of justice, both the petitions in H.M.O.P.Nos.262 of 2017 and 514 of 2018 are transferred to a common place. In the circumstances, both H.M.O.P.No.262 of 2017 and H.M.O.P.No.514 of 2018 are ordered to be withdrawn from the file of the Sub-Court, Namakkal and IV Additional Family Court, Chennai respectively and transferred to the Sub-Court, Paramathy, to be tried jointly, in order to avoid multiplicity

of proceedings and conflicting judgments being delivered by two different Courts. The learned Subordinate Judge, Namakkal, is directed to transmit all the records pertaining to H.M.O.P.No.262 of 2017 to the file of the Sub-Court, Paramathy and the learned IV Additional Judge, Family Court, Chennai, is directed to transmit all the records pertaining to H.M.O.P.No.514 of 2018 to the file of the Sub-Court, Paramathy, within a period of two weeks from the date of receipt of a copy of this order.

8. Accordingly, both the Transfer Civil Miscellaneous Petitions are ordered. No costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

kj/LPP

To

1. The learned IV Additional Judge, Family Court, Chennai.
 2. The Subordinate Judge, Namakkal.
 3. The Subordinate Judge, Paramathy
- +1 CC to Mr.M. Kumararajan, Advocate sr 31534.

सत्यमेव जयते

Tr.C.M.P. Nos.210 and 272 of 2018
and C.M.P.Nos.5372 and 6875 of 2018

KS (CO)
SP (30/05/2018)

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