

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.08.2018

PRONOUNCED ON : 29.08.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No. 519 of 2018  
and  
CMP.No.12641 of 2018

1.S.Jenny Darnial Meeta  
2.Minor Morwin James ..... Petitioners

Vs.

R.Yuvaraj ..... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the OP No.2828 of 2016 pending before the III Additional Family Court, Chennai and transfer the same to the Principal Family Court at Coimbatore to be tried along with M.C.No.49 of 2018.

For Petitioners : Mr.A.E.Ravichandran

For Respondent : Mrs.R.Meenal  
for Mr.S.Raveekumar

ORDER

The petitioner is the wife. The respondent is the husband.

2.The marital life between the parties is not cordial.

3.Based on the materials placed, it is found that the first petitioner has laid divorce proceeding against the respondent in O.P.No.2828 of 2016 and the same is pending on the file of the III Additional Family Court, Chennai. It is further seen that the petitioner unable to eke out her livelihood, also levied maintenance claim against the respondent in MC.No.49 of 2018 on the file of the Principal Family Court, Coimbatore.

4. Putting forth hardship and inconvenience in attending the proceeding at Chennai Court and also contending that inasmuch as the allied maintenance proceeding is pending on the file of the Coimbatore Court, the present petition has come to be laid by the petitioners for transferring the proceeding from Chennai Court to Coimbatore Court for joint trial as the same would avoid conflict of decisions as well as be beneficial to both the parties. However, the respondent contested the petitioners' case by contending that there is no need for the transfer sought for and put forth the case that the transfer petition has been laid by the petitioners only to harass him one way or the other and therefore, sought for the dismissal of the petition.

5. Admittedly, two proceedings, as regards the marital life of the parties, are pending in different Forums, one at Chennai Court and another at Coimbatore Court. No doubt, both the proceedings are laid by the petitioners. According to the first petitioner, unable to stay at Chennai with her parents, it is her case that she had been constrained to shift her residence to Coimbatore and accordingly, also found to have laid the maintenance claim against the respondent in Coimbatore Court. It is seen that the issues involved in the two proceedings between the parties are one and the same. In such view of the matter, the consolidation of the two proceedings and determination of the same, by one and the same Court would be beneficial to both the parties as they would be required to lead common evidence in the two proceedings and further, the same would also avoid conflict of decisions. The first petitioner has expressed certain inconvenience and hardship in coming down to Chennai Court for attending the proceedings and the same is also fortified by the institution of the maintenance claim by the petitioner against the respondent in Coimbatore Court. The respondent would also be required to attend the proceeding at Coimbatore Court one way or the other to resist the petitioners' claim of maintenance. In such view of the matter, it is seen that the transfer of the proceeding from Chennai Court to Coimbatore Court would not cause serious prejudice and hardship to the respondent.

6. In the light of the foregoing reasons, it is seen that the request for transfer projected by the petitioners is justified. Accordingly, O.P.No.2828/2016 is withdrawn from the file of the III Additional Family Court and transferred to the Principal Family Court, Coimbatore for joint trial along with M.C.No.49 of 2018 as per law.

Accordingly, the Transfer Civil Miscellaneous Petition is allowed and consequently, connected CMP No.12641 of 2018 is closed.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Judge,III Additional Family Court, Chennai.

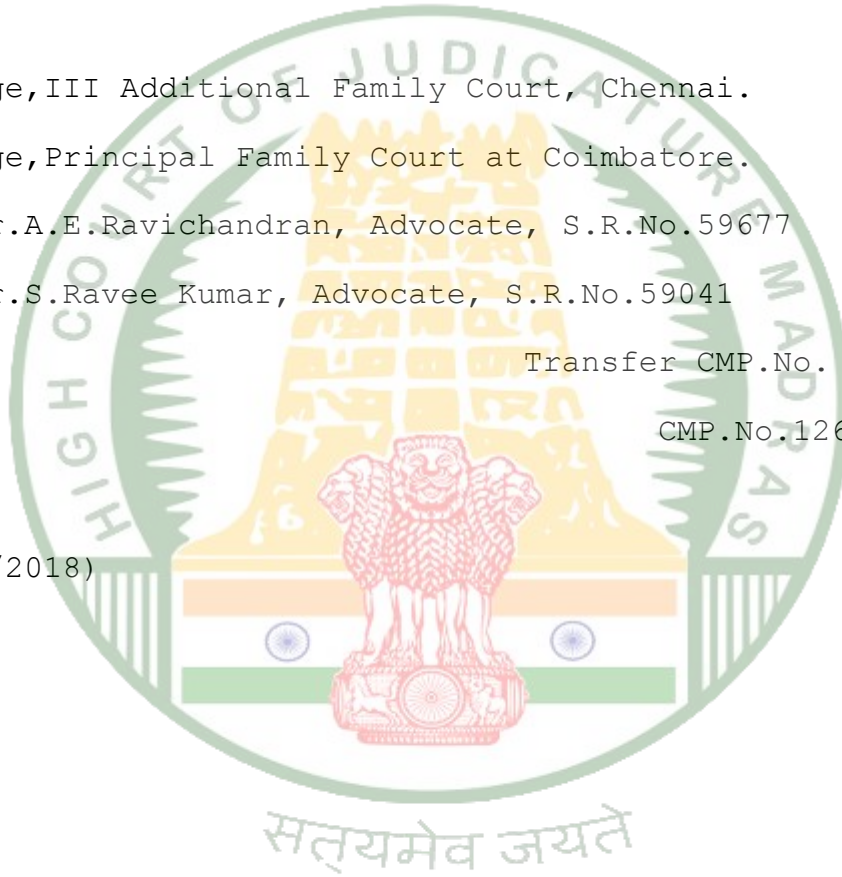
2.The Judge,Principal Family Court at Coimbatore.

+1cc to Mr.A.E.Ravichandran, Advocate, S.R.No.59677

+1cc to Mr.S.Ravee Kumar, Advocate, S.R.No.59041

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SR(CO)  
GSP(12/09/2018)



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