

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.76 of 2018
and C.M.P.No.2253 of 2018

Vinothkumar

... Petitioner

versus

Srimathi J.V.@Jivanthakumari

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.216 of 2015 pending on the file of the Sub Court, Kancheepuram and transfer the same to any of the Family Courts at Chennai to be enquired and disposed of.

For Petitioner : Mr.P.Mani
For Respondent : Mr.K.Balu

O R D E R

The husband, who is the petitioner, has filed this Transfer Civil Miscellaneous Petition seeking to withdraw H.M.O.P.No.216 of 2015, pending on the file of the Subordinate Court, Kancheepuram and transfer the same to any of the Family Courts at Chennai.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent. The learned counsel for the respondent/wife has got no serious objection for the transfer.

3. The petitioner/husband had filed H.M.O.P.No.22 of 2016 under Section 9 of the Hindu Marriage Act, before the Family Court, Thiruvallur. Earlier, the respondent/wife had filed Tr.C.M.P.No.392 of 2017 seeking transfer of H.M.O.P.No.22 of 2016 from the file of Family Court, Thiruvallur to the file of Sub Court, Kancheepuram. The same was ordered on 12.10.2017 and the O.P. was transferred to the Family Court, Chennai.

4. The respondent/wife had also filed H.M.O.P.No.216 of 2015 under Section 13 of the Hindu Marriage Act, before the learned Subordinate Judge, Kancheepuram for divorce, which is

still pending. Therefore, now the transfer petition is filed by the petitioner/husband for transferring the said O.P. also to be tried along with H.M.O.P.No.22 of 2016, which was already transferred. Hence, no prejudice would be caused to the respondent/wife, if the transfer petition is ordered, as H.M.O.P.No.22 of 2016 was already transferred to the file of the Family Court, Chennai, based on the petition filed by her.

5. Considering the convenience of the parties 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.216 of 2015 from the file of Subordinate Court, Kancheepuram to the file of Family Court, Chennai, to be tried along with H.M.O.P.No.22 of 2016.

6. Accordingly, the Transfer Civil Miscellaneous petition is allowed and H.M.O.P.No.216 of 2015, pending on the file of Subordinate Court, Kancheepuram is transferred to the file of Family Court, Chennai, to be tried along with H.M.O.P.No.22 of 2016. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

rsi

To

1. The Subordinate Judge,
Kancheepuram.
2. The Family Judge,
Chennai.

+1cc to Mr.P.Mani, Advocate SR.No.16929
+1cc to Mr.K.Balu, Advocate SR.No.17050

Tr.C.M.P. No.76 of 2018
and C.M.P.No.2253 of 2018

GN(23/03/2018)