

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.81 of 2018

and C.M.P.No.2316 of 2018

P.Karthikeyan

... Petitioner

Vs.

Rajapriya

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.449 of 2016 pending on the file of the Family Court, Puducherry and transfer the same to the file of the Principal Sub Court, Tindivanam, to be tried along with H.M.O.P.No.134 of 2017 pending on its file.

For Petitioner : Mr.S.Ganesh

For Respondent : Mr.Prakash Adiapadam
for Mr.S.S.Pajaniradja

O R D E R

This petition is filed to withdraw H.M.O.P.No.449 of 2016 pending on the file of the Family Court, Puducherry and transfer the same to the file of the Principal Sub Court, Tindivanam, to be tried along with H.M.O.P.No.134 of 2017 pending on its file.

2.According to the petitioner/husband, the respondent/wife has filed H.M.O.P.No.449 of 2016 before the Family Court, Puducherry, for restitution of conjugal rights, against the petitioner. The petitioner has filed H.M.O.P.No.177 of 2017 before the Sub Court-III, Tambaram, for divorce against the respondent. The respondent/wife has filed Tr.C.M.P.No.426 of 2017 for transferring the said H.M.O.P.No.177 of 2017 pending from the file of the Sub Court-III, Tambaram, to the file of the Family Court, Puducherry. This Court by order dated 28.07.2017, considering the contention of the petitioner that his life is in danger, if he attends the hearing in Family Court, Puducherry, as respondent's father is a retired Inspector of Police in the Police Station at Puducherry, transferred H.M.O.P.No.177 of 2017 filed by the petitioner pending on the file of the Sub Court - III, Tambaram, to the file of the Family Court, Tindivanam. Subsequently, the said H.M.O.P.No.177 of 2017 was transferred to Principal Sub Court, Tindivanam, as there is no Family Court at

Tindivanam. The same was renumbered as H.M.O.P.No.134 of 2017 and the same is pending on the file of the Principal Sub Court, Tindivanam. Now, the petitioner has come out with the present Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.449 of 2016 pending on the file of the Family Court, Puducherry, to the file of the Principal Sub Court, Tindivanam, to be tried along with H.M.O.P.No.134 of 2017 pending on its file, in order to avoid multiplicity of proceedings and conflicting decisions being rendered by two different Courts and convenience of the parties.

3.The learned counsel appearing for the respondent submitted that H.M.O.P.No.449 of 2016 is filed by the respondent for restitution of conjugal rights and the same is pending before the Family Court, Puducherry. The distance between Tindivanam and Puducherry is only 30 kilometers and hence it will not be difficult for the petitioner to attend the Court proceedings at Family Court, Puducherry and prayed for dismissal of Transfer Petition.

4.Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.

5.Considering the order dated 28.07.2017 passed by this Court in Tr.C.M.P.No.426 of 2017 transferring H.M.O.P.No.177 of 2017 filed by the petitioner, pending on the file of the Sub Court-III, Tambaram to Principal Sub Court, Tindivanam, instead of Family Court, Puducherry, in the interest of justice, the petition in H.M.O.P.No.449 of 2016 is ordered to be withdrawn from the file of the Family Court, Puducherry and transferred to the Principal Sub Court, Tindivanam, to be tried along with H.M.O.P.No.134 of 2017 pending on its file, in order to avoid multiplicity of proceedings and conflicting decisions being rendered by two different Courts. The learned Judge, Family Court, Puducherry, is directed to transmit all the records pertaining to H.M.O.P.No.449 of 2016 to the file of the Principal Sub Court, Tindivanam, within a period of two weeks from the date of receipt of a copy of this order.

6.Accordingly, the Transfer Civil Miscellaneous Petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Judge, Family Court, Puducherry.

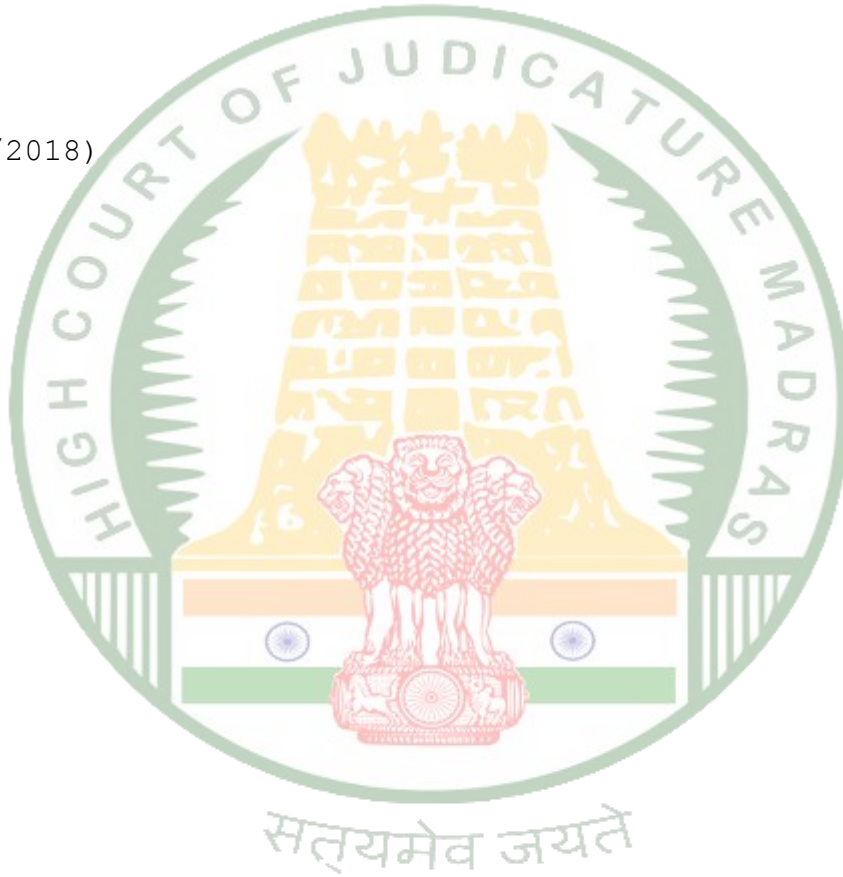
2.The Principal Subordinate Judge, Tindivanam.

+1cc to Mr.S.Ganesh, Advocate, S.R.No.37407

+1cc to Mr.Prakash, Advocate, S.R.No.37614

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and C.M.P.No.2316 of 2018

(CO)
GSP(09/07/2018)



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