

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10.10.2018

PRONOUNCED ON : 12.10.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No.1079 of 2017
and
CMP.No.22259 of 2017

R.Aanchal ... Petitioner
Vs.
T.Venkatesan ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw HMOP No.1539 of 2017 on the file of the Family Court III, Chennai and transfer the same to Family Court, Ooty.

For Petitioner : Mr.Deepan Uday

For Respondent : No appearance
set exparte vide order
dated 10.10.2018

ORDER

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

2.All is not well qua the marital life of the parties.

3.The respondent has filed HMOP No.1539 of 2017 for restitution of conjugal rights against the petitioner and the same is pending on the file of the Family Court-III, Chennai. The petitioner has levied divorce case against the respondent in HMOP No.28 of 2017 and the same is pending on the file of the Family Court, Ooty.

4.Seeking transfer of the matrimonial proceeding of the respondent to the Court at Ooty, the transfer petition has been laid by the petitioner contending that the distance between her residence and Chennai is on the higher side and the petitioner is depending upon her aged parents and furthermore, the petitioner is also having health problems in travelling long distance and furthermore also, apprehends danger to her life and body in the event of travelling alone to Chennai and accordingly, prayed for the transfer.

5.Insofar as this matter is concerned, though the respondent has been served, he has not chosen to contest the transfer request of the petitioner and accordingly, he having being called and remaining absent, been set exparte.

6.The petitioner has putforth certain inconvenience and hardship in attending the proceeding at Chennai Court and the same has not been controverted by the respondent.

7.Considering the matrimonial issues between the parties, as it is seen that two proceedings are pending in two different forums, in my considered opinion, the consolidation of the two proceedings and the determination of the same by one and the same Court would be beneficial to both the parties and by way of the same, conflict of decisions could also be avoided. Furthermore, the parties also would be required to adduce common evidence. Thus, the cause of justice would be advanced, if both the proceedings are clubbed together and determined by one and the same court.

8.The respondent would be required to defend the matrimonial case laid by the petitioner at Ooty Court. In such view of the matter, by way of the transfer of the proceeding from Chennai Court to Ooty Court, it is seen that he would not be seriously prejudiced and accordingly, it is seen that he has not endeavoured to throw any challenge to the transfer request putforth by the petitioner.

9.Considering the above factors, it is found that the petitioner has made out a sufficient cause for acceding to the transfer request projected by the petitioner. Resultantly, HMOP No.1539 of 2017 is withdrawn from the Family Court-III, Chennai and transferred to the Family Court, Ooty for joint trial along with HMOP No.28 of 2017 as per law.

Accordingly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected CMP No.22259 of 2017 is also closed.

Index : Yes / No

Internet : Yes / No

sms 12.10.2018

To

1.The Family Court-III, Chennai.

2.The Family Court, Ooty

T.RAVINDRAN, J.

sms

Pre-delivery Order made
in Transfer CMP.No.1079 of 2017
and
CMP.No.22259 of 2017

12.10.2018