

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR C.M.P. No.90 of 2019
and
C.M.P.No.3174 of 2019

B.Haripriya @ Kamatchi ... Petitioner

Vs.

P.Aswin @ P.Muthukrishanan ... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the petition in H.M.O.P.No.5042 of 2018 pending on the file of the Hon'ble VII Additional Family Court, Chennai and transfer the same to that of the Hon'ble Principal District Court, Chengalpattu where G.W.O.P.No.26 of 2018 is pending and also for order simultaneous trial.

For Petitioner : Mr.P.Joseph

For Respondent : Mr.K.Rathinavel

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of H.M.O.P.No.5042 of 2018 on the file of VII Additional Family Court, Chennai to the file of Principal District Court, Chengalpattu where G.W.O.P.No.26 of 2018 is pending.

2. The respondent/husband filed a petition for divorce in H.M.O.P.No.5042 of 2018 before Family Court, Chennai. The children are living with the petitioner/wife at Madipakkam, Chennai. The respondent/husband filed a petition under Section 7 and 10 of the Guardian and Wards Act before the Principal District Court, Chengalpattu for custody of the child. The petitioner/wife filed a petition for transfer of the divorce petition filed by the husband before the District Court, Chengalpattu to be tried along with G.W.O.P.No.26 of 2018 filed by the husband.

3. When the matter is taken up for hearing, the respondent/husband would submit that he will withdraw the petition filed under Guardian and Wards Act before the Principal District Judge, Chengalpattu and will workout his remedy in H.M.O.P.No.5042 of 2018 filed by him before the Family Court, Chennai.

4. It is also submitted that since the petitioner/wife is residing in Chennai, it will be convenient to both the parties to conduct the case at Chennai. The respondent/husband has also filed a memo to the effect that he is undertaking to withdraw the petition filed under Guardian and Wards Act. The memo filed by the respondent is taken on record.

5. Taking into consideration the memo filed by the petitioner stating that he will withdraw the G.W.O.P.26 of 2018 pending on the file of Principal District Court, Chengalpattu and that he will workout his remedy in the petition filed by him in H.M.O.P.No.5042 of 2018 pending on the file of Family Court, Chennai, the above petition for transfer is dismissed.

6. Accordingly, the Transfer Civil Miscellaneous Petition stands dismissed.No costs. Consequently, connected miscellaneous petition is closed.

*Xerox copy of Memo enclosed

Sd/-
Assistant Registrar(J)
//True Copy//

Sub Assistant Registrar

bri

To

1. The Principal District Judge, Chengalpattu.
2. The Judge, Family Court, Chennai.

+2cc to M/s.M.Swaminathan, Advocate, S.R.No.32292
+1cc to Mr.Easwaradhas, Advocate, S.R.No.32113

TR.C.M.P.No.90 of 2019
and
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CS/27/06/2019