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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2019

C O R A M

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR C.M.P. No.260 of 2019
and
C.M.P.No.7558 of 2019

S.Ajimol

... Petitioner

Vs.

1.S.Shalin
2.B.Muthuvel

... Respondents

PRAYER: Transfer Civil Miscellaneous Petition filed under section 24 of C.P.C., to withdraw and transfer I.D.O.P.No.267 of 2018 on the file of the Family Court, Kanyakumari at Nagerkoil to be tried along with I.D.O.P.No.3443 of 2018 pending before the V Additional Family Court, Chennai.

For Petitioner : Mr.M.Murali Vinodh

For Respondents : Notice served - No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw and transfer I.D.O.P.No.267 of 2018 on the file of the Family Court, Kanyakumari at Nagerkoil to be tried along with I.D.O.P.No.3443 of 2018 pending before the V Additional Family Court, Chennai.

2. The petitioner is the wife. The respondent is the husband. The marital life between the parties is not cordial. It is found that the petitioner has filed I.D.O.P No.3443 of 2018 for dissolution of marriage against the first respondent and the same is pending on the file of the V Additional Family Court, Chennai. It is also noted that the first respondent has filed IDOP No.267 of 2018 against the petitioner for dissolution of marriage and the same is pending on the file of the Family Court, Kanyakumari at Nagercoil.



3. Seeking transfer of the divorce proceeding laid by the respondent to V Additional Family Court, Chennai the petitioner has levied the transfer petition on the footing that she is working at K-7, ICF Police Station as Court hardly and unable to attend the proceeding at Family Court, Kanyakumari at Nagercoil and furthermore, the distance between Chennai and Kanyakumari is on the higher side and as the two proceedings are pending between the parties with reference to the marital issues, the determination of the two proceedings by one and the same Court would advance the cause of justice and accordingly, prayed for the transfer of the proceeding from Family Court, Kanyakumari at Nagercoil to V Additional Family Court, Chennai.

4. In this matter, this Court ordered notice to the respondents through Court as well as privately and the same was served on them. Till date, no vakalat has been filed on behalf the respondents. The respondents have not appeared in person or through their counsel.

5. Heard the learned counsel for the petitioner and perused the materials available on record, none appeared on behalf of the respondents.

6. The petitioner has put forth certain inconvenience and hardship in attending the proceeding at Family Court, Kanyakumari at Nagercoil, the same has not been challenged by the respondent. Furthermore, the two proceedings are pending as regards the marital issues between the parties in different forums. In such view of the matter, as rightly putforth, the consolidation of 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. Accordingly, it is seen that the cause of justice would be advanced in the determination of the proceedings by one and the same Court as above stated. The petitioner has projected a cause for seeking transfer of the proceeding from Family Court, Kanyakumari at Nagercoil to V Additional Family Court, Chennai and the same has not been challenged. Thus, it is found that the petitioner has made out a sound reason for accepting the transfer request.

7 .For the reasons afore stated, IDOP.No.267 of 2018 is withdrawn from the file of the Family Court, Kanyakumari at Nagercoil and transferred to the file of the V Additional Family Court, Chennai for joint trial along with I.D.O.P.No.3443 of 2018.



8. Accordingly, the Transfer Civil Miscellaneous petition is allowed. Consequently, connected CMP.No.7558 of 2019 is closed.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Family Court,
Kanyakumari at Nagerkoil.
2. The V Additional Family Court,
Chennai.

+lcc to Ms.C.Meera Arumugham, Advocate Sr.95828

TR C.M.P. No.260 of 2019
and
C.M.P.No.7558 of 2019

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srg 08/01/2020