

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.274 of 2019
and C.M.P. No.7841 of 2019

R.Kamatchi

... Petitioner/Respondent

-vs-

R.Balasundar

... Respondent/Petitioner

Prayer: Petition filed under Section 24 of C.P.C to withdraw the O.P. No.45 of 2019 pending on the file of the Family Court, Chengalpattu and transfer the same to the V Additional Family Court, Chennai.

For Petitioner : Mr.K.Manikandan

For Respondent : Mr.A.Sivasankar

O R D E R

The Transfer C.M.P. has been filed to transfer the O.P. No.45 of 2019 pending on the file of the Family Court, Chengalpattu to the file of the V Additional Family Court, Chennai.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 13.11.2016 at GRT-Thirumana Mandabam, GST Road, as per Hindu Rites and Customs. In support of the prayer, learned counsel appearing for the petitioner pleaded that due to escalation of disputes between the petitioner and the respondent, the petitioner has been deliberately deserted by the respondent and the respondent started to live with his family members for the reasons best known to him. While so, the respondent filed the O.P. No.45 of 2019 before the Family Court, Chengalpattu seeking for the relief of divorce with false and frivolous allegations against the petitioner. However, the petitioner without any independent income to attend the proceedings before the Family Court, Chengalpet, filed M.C. No.102 of 2019 before the V Additional Family Court, Chennai seeking maintenance.

3.Learned counsel appearing for the petitioner would further submit that a compromise talk was held between the parties to resolve the issue. Therefore, if the matter is transferred to the V Additional Family Court, Chennai, the issue at large could be resolved.

4.Learned counsel appearing for the respondent submitted that on earlier occasion, there was a move from the petitioner to compromise the issue for which they sought for demand of Rs.2,00,000/-, but the said amount has not been paid and therefore, the matter could not be resolved.

5.Be that as it may. Since the petitioner has filed M.C. No.102 of 2019 on the file of the V Additional Family Court, Chennai, this Court has no impediment to transfer the O.P. No.45 of 2019 pending before the Family Court, Chengalpattu to the file of the V Additional Family Court, Chennai. Accordingly, the Tr. C.M.P. is allowed and the O.P. No.45 of 2019 pending on the file of the Family Court, Chengalpattu is withdrawn and transferred to the file of the V Additional Family Court, Chennai.

6.The V Additional Family Court, Chennai is directed to take up both the cases and dispose of the same expeditiously in the manner known to law. No costs. Consequently, C.M.P. No.7841 of 2019 is closed.

Sd/-
Assistant Registrar(CS-II)

//True copy//

Sub Assistant Registrar

vga

To

1.The Family Court, Chengalpattu.

2.The V Additional Family Court, Chennai.

+1cc to Mr.K.Manikandan, Advocate SR.No.47737

+1cc to Mr.A.Sivasankar, Advocate SR.No.46368

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PVS (CO)
GMY (22/07/2019)