

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.485 of 2019
and C.M.P. No.13570 of 2019

Swapna @ Swapna Khan

... Petitioner

-vs-

Abdul Dawood Khan

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw S.M.O.P.No.60 of 2019 pending on the file of the Principal District Court, Thiruvallur and transfer the same to II Additional Family Court, Chennai.

For Petitioner : Mr.H. Krishna Raj

For Respondent : Mr.D. Anand Raja

O R D E R

Mrs.Swapna @ Swapna Khan, W/o Abdul Dawood Khan has filed the petition, seeking to withdraw S.M.O.P.No.60 of 2019, pending on the file of Principal District Court, Thiruvallur and transfer the same to III Additional Family Court, Chennai.

2. The learned counsel for the petitioner would submit that the respondent/husband has filed a petition in S.M.O.P.No.60 of 2019 before the Principal District Court, Thiruvallur for restitution of conjugal rights, whereas, the petitioner/wife has filed a petition in M.C.No.367 of 2017 before the III Additional Family Court, Chennai for maintenance and the petitioner has also filed a case in DVC No.472/2017 on the file of Additional Mahila Court, Egmore, Chennai. Therefore, if S.M.O.P.No.60 of 2019, filed by the respondent/husband, which is pending on the file of Principal District Court, Thiruvallur is transferred to III Additional Family Court, Chennai, the respondent can contest all the cases at Chennai.

3. The learned counsel for the respondent has no objection for transferring SMOP No.60 of 2019, pending on the file of Principal District Court, Thiruvallur to Chennai.

4. Accordingly, the Tr.C.M.P is allowed. S.M.O.P.No.60 of 2019, filed by the respondent/husband is withdrawn from the file of the Principal District Court, Thiruvallur and the same is transferred to the file of III Additional Family Court, Chennai. The learned Judge, III Additional Family Court is directed to take up both the cases S.M.O.P.No.60 of 2019 and M.C.No.367 of 2017 and dispose of the same expeditiously in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

sr

To

1.The Principal District Court, Thiruvallur

2. The III Additional Family Court, Chennai

+1cc to Mr.D. Anand Raja, Advocate SR.No.68357

+2cc to Mr.H. Krishna Raj, Advocate SR.No.67904

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RGN(CO)
GMY(23/09/2019)