



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tr.C.M.P.No.876 of 2019

R.Dinesh

Rep.by his Power Agent

E.Ramadoss

... Petitioner

Vs.

S.Vishali

... Respondent

Prayer:

Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw and transfer the H.M.O.P.No.503 of 2019, pending on the file of Subordinate Court, Tambaram to the learned II Additional Judge, Family Court, Chennai, where the OP.1051/19 and M.C.No.231 of 2019 are pending.

For Petitioner : M/s.M.V.Seshamma

For Respondent : Mr.P.Gunaraj

O R D E R

The petitioner herein, who is the husband of the respondent, has filed the present petition seeking for withdrawal of H.M.O.P.No.503 of 2019, pending on the file of Subordinate Court, Tambaram and transfer the same to the learned II Additional Judge, Family Court, Chennai.

2. The case of the petitioner is that he married the respondent herein, in the year 2017 and due to matrimonial disputes between them, the petitioner had preferred H.M.O.P No.1051 of 2019 on the file of learned II Additional Family Court, Chennai. Further, the respondent had preferred M.C.No. 231 of 2019 before Principal Family Court Chennai, which was transferred to learned II Additional Judge, Family Court, Chennai, where the Original Petition for divorce is pending.

3. It is the further case of the petitioner that after completion of counselling sessions in H.M.O.P.1051 of 2019 and M.C.No.231 of 2019, the respondent had preferred H.M.O.P.No.503 of 2019 in Tambaram Subordinate Court, for conjugal rights. Also, the said subsequent petition under Section 9 of Hindu



Marriage Act for restitution of marital life, before the Tambaram Subordinate Court, is now at the stage of completion of counselling and the same shall only cause delay in proceedings and conflicting Judgments and hence he seeks for transfer of proceedings.

4. The learned counsel for the petitioner submits that the respondent had already preferred M.C.No.231 of 2019 before city jurisdiction court and the same is pending before the learned II Additional Judge, Family Court, Chennai and she again purposefully preferred H.M.O.P.No.503 of 2019 before Subordinate Court, Tambaram only with an intention to drag this petitioner from post to pillar and to lead to multiplicity of proceedings and conflicting judgments. The respondent is residing in city jurisdiction at EPF Quarters, Thirumoorthy Nagar, Nungambakkam, Chennai 34, along with her parents and hence she is more accessible to Family Court, Chennai, where she preferred her maintenance case in M.C.No. 231 of 2019. The respondent is at her convenience to appear before the learned II Additional Judge, Family Court, Chennai for every hearing in H.M.O.P.No.1051 of 2019 and if the H.M.O.P.No.503 of 2019 is transferred, as she is already attending the hearings regularly, no prejudice shall be caused to her.

5. When the petition is taken up for hearing, the learned counsel for the respondent fairly submitted that he has objection to consider the prayer of the petitioner.

6. Considering the facts and circumstances of the case and taking note of the fact that the respondent has no serious objection to consider the prayer of the petitioner, this Court is inclined to allow this petition seeking for transfer.

7. Accordingly, the H.M.O.P.No.503 of 2019 on the file of Subordinate Court, Tambaram is transferred to the learned II Additional Judge, Family Court, Chennai to be tried along with H.M.O.P.No.1051 of 2019 and M.C.No.231 of 2019. The Registry of the Subordinate Court, Tambaram is directed to transmit the entire case papers to the learned II Additional Judge, Family Court, Chennai within a period of four weeks from the date of receipt of copy of this order.

With the above observation and direction, the present Transfer Civil Miscellaneous Petition is allowed. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar



To

1. The Subordinate Judge,
Tambaram

2. The II Additional Judge,
Family Court, Chennai.

+1 cc to M/s.M.V.Seshamma, Advocate Sr.No. 27/11/2019

+1 cc to M/s.P.Gunaraj, Advocate Sr.No. 99257

AKM/09.01.2020/3P-5C /

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