

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.02.2019

CORAM

THE HONOURABLE JUSTICE M.GOVINDARAJ, J.

Tr.C.M.P.No.878 of 2018

&

CMP.No.21593 of 2018

M. Abiramy

.. Petitioner

-vs-

J. Senthilnathan

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition filed praying to withdraw withdraw the MOP.No.300 of 2018 pending on the file of the Family Court, Puducherry and to transfer the same to the II Additional Family Court, Chennai to be tried along with OP.No.2124 of 2018.

For Petitioner : Mr.Ravichandran Sundaresan

For Respondents: Mr.T.S.Karthik

ORDER

This petition is filed seeking to withdraw the MOP.No.300 of 2018 pending on the file of the Family Court, Puducherry and to transfer the same to the II Additional Family Court, Chennai to be tried along with OP.No.2124 of 2018.

2. The petitioner wife filed a petition OP.No.2124 of 2018 under section 12(1)(a) of the Hindu Marriage Act against the respondent husband before the II Additional Family Court, Chennai to declare the marriage held between them as null and void, whereas the respondent husband preferred a petition in MOP.No.300 of 2018 before the Family Court, Puducherry for restitution of conjugal rights.

3. According to the learned counsel for petitioner, after entering appearance in OP.No.2121 of 2018 filed by the petitioner wife pending on the file of II Additional Family Court, Chennai, the respondent husband with a view to harass the petitioner wife, had filed a petition for restitution of conjugal rights before the Puducherry Court.

4. From a perusal of records, it is seen that the respondent husband is presently employed at Bangalore, therefore, he is not a resident of Puducherry for the present.

5. In the circumstances, considering the physical inconvenience and to avoid multiplicity of proceedings, this Court is of the considered opinion that the petition filed by the respondent husband for the restitution of conjugal rights pending on the file of the Family Court, Puducherry can be transferred and tried along with O.P.No.2124 of 2018 pending on the file of the II Additional Family Court, Chennai.

6. Accordingly, MOP.No.300 of 2018 pending on the file of the Family Court, Puducherry is withdrawn and transferred to II Additional Family Court, Chennai to be tried along with OP.No.2124 of 2018.

7. The Transfer Civil Miscellaneous Petition is ordered accordingly. No costs. Consequently connected CMP.No.21593 of 2018 is closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

msr

To

1. The Family Court, Puducherry.

2. The II Additional Family Court, Chennai.

+3ccs to Mr.R.K.Narayanan, Advocate SR.No.10166

+1cc to Mr.KS.Karthik Raja, Advocate SR.No.11186

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SAI (CO)
GMY (27/03/2019)