

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR C.M.P. No.891 of 2018
and
C.M.P.No.21948 of 2018

Kokila

... Petitioner

Vs.

1.G.Rajeswari

2.Radhika

3.The Dean,
Head of Government Medical College,
Chengalpet, Kancheepuram District.

... Respondents

PRAYER: Transfer Civil Miscellaneous Petition filed under section 24 of C.P.C., to withdraw the O.S.No.4 of 2013 from the file of the Hon'ble V Additional Family Court, Chennai and transfer the same to the Hon'ble Principal Subordinate Court, Chengalpet to be tried along with S.C.O.P.No.14/2014 by way of joint trial.

For Petitioner : Mr.V.M.Venkatramana

For Respondent : Mr.S.Jaganathan
Government Advocate [for R3]
Mr.R.Cyril Vivekanandan [for RR1 &2]

सत्यमेव जयते
O R D E R

This Transfer Civil Miscellaneous Petition is filed to withdraw the O.S.No.4 of 2013 from the file of the learned V Additional Family Court, Chennai and transfer the same to the learned Principal Subordinate Court, Chengalpet to be tried along with S.C.O.P.No.14/2014 by way of joint trial.

2. The petitioner/wife claims that she is the legally wedded wife of the deceased Gopalakrishnan, who worked as a Special Grade Office Assistant at Chengalpattu Medical College, Chengalpattu, till his death. The petitioner approached the 3rd respondent for disbursement of death benefits of the deceased. The 3rd respondent vide letter dated 24.12.2012 directed the

petitioner to produce death certificate and legal heir certificate. Hence, she filed S.C.O.P.No.14 of 2014 on the file of the Subordinate Judge, Chengalpattu, for issuance of Succession Certificate. While the matter is pending, the respondents 1 and 2 claiming themselves to be the wife and daughter of the deceased Gopalakrishnan obtained ex-parte judgment and decree in OS.No.4 of 2013, directing the 3rd respondent to disburse family pension and other death benefits to the first respondent. Hence, the petitioner/wife is before this Court to transfer OS.No.4 of 2013 filed by respondents 1 and 2 to be tried along with S.C.O.P.No.14 of 2014 at Principal Subordinate Judge, Chengalpattu.

3. In view of the rival claims between the parties and considering the hardship caused by both sides, OS.No.4 of 2013 pending on the file of I Additional Family Court, Chennai is transferred to the file of Sub-Court, Chengalpattu to be tried along with S.C.O.P.No.14 of 2014.

4. Accordingly, OS.No.4 of 2013 pending on the file of V Additional Family Court, Chennai is withdrawn and transferred to the file of Sub-Court, Chengalpattu. The Principal Sub Judge, Chengalpattu is directed to take up S.C.O.P.No.14 of 2014 along with OS.No.4 of 2013.

5. The Transfer Civil Miscellaneous Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bri
To

1. The V Additional Family Court, Chennai.

2. The Sub-Court, Chengalpet.

3. The Principal Sub Judge, Chengalpet.

+1 cc to Mr.V.M.Venkatramana, Advocate, S.R.No.12169

+1 cc to the Special Government Pleader, S.R.No.12096

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RK(CO)
SSM(19/03/2019).