

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.33 of 2020 and
C.M.P. No.858 of 2020

K.A.Sarathkumar

...Petitioner

vs.

S.Maheswari

...Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P. No.4461 of 2019 on the file of Principal Judge Family Court, Chennai and transfer the same to Sub Court, Ponneri, to be jointly tried with H.M.O.P. No.138 of 2019 on the file of Sub Court, Ponneri.

For Petitioner : Mr.S.Muthaiah

For Respondent : Mr.R.Rajeshkumar

O R D E R

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw H.M.O.P. No.4461 of 2019 from the file of Principal Judge Family Court, Chennai and transfer the same to the file of Sub Court, Ponneri, to be jointly tried with H.M.O.P. No.138 of 2019, which is pending on the file of Sub Court, Ponneri.

2. Admittedly, husband is employed at Mumbai, but the marriage between the petitioner and the respondent took place at Tondiarpet, Chennai. Though the jurisdictional court is at Ponneri, where the petitioner wants the matter to be heard, admittedly, the place Old Washermenpet, where the wife is residing, is very near to the Family Court, Chennai, the convenience of the parties have got to be seen, when particularly, one of the spouse is residing outside the State of Tamil Nadu.

3. In the present case on hand, as the husband is residing at Mumbai, it is easy for him to reach Chennai, either by flight or by train and certainly, it will be convenient even for him to appear before the Sub Court, Ponneri, where he can be represented by a lawyer.

4. The learned counsel appearing for the respondent would submit that the respondent/wife has no objection for the husband being represented by a lawyer and that the divorce petition in H.M.O.P. No.138 of 2019 is pending before the Sub Court, Ponneri and H.M.O.P. No.4461 of 2019 is pending before the Family Court, Chennai, though the petition for restitution of conjugal rights has been filed subsequently, taking note of the convenience of both the parties and in the light of Section 24 of the Civil Procedure Code, this court is inclined to transfer H.M.O.P. No.138 of 2019 pending on the file of Sub Court, Ponneri to Family Court, Chennai, where H.M.O.P. No.4461 of 2019 is pending and once H.M.O.P. No.138/2019 is transferred from Sub Court, Ponneri to the Principal Judge Family Court, Chennai, both the cases can be tried together and a composite order may be passed, preferably within a period of six months, without adjourning the matter beyond 45 working days, at any point of time, in order to bring the issue to a logical end.

5. The Transfer Civil Miscellaneous Petition is Disposed of as indicated above. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Asr

To :

- 1) The Princiapl Judge Family Court, Chennai.
- 2) The Sub Court, Ponneri.

+3ccs to Mr.R.Dhanasekar, Advocate SR.9948

Tr.C.M.P.No.33 of 2020
and C.M.P. No.858 of 2020

PA(CO)
CB(10/03/2020)

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