

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 14.02.2020
CORAM:
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.1029 of 2019

T.Jayanthi

... Petitioner

vs.

Sarath Sarathi

... Respondent

Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw and transfer the proceedings in H.M.O.P.No.216 of 2019 pending on the file of the learned Family Judge of Kanyakumari at Nagercoil to be tried along with H.M.O.P.No.618 of 2019 pending before the learned Principal Subordinate Judge at Poonamallee or any other Family Court in Chennai.

For Petitioner : Mr.R.Raman Laal
For Respondent : Mr.J.Duthie Marshall

O R D E R

Petitioner, who is residing in Chennai, has come up with the above Transfer Civil Miscellaneous Petition seeking to withdraw the proceedings in H.M.O.P.No.216 of 2019 pending on the file of the learned Family Judge of Kanyakumari at Nagercoil to be tried along with H.M.O.P.No.618 of 2019 pending before the learned Principal Subordinate Judge at Poonamallee, or any other Family Court in Chennai.

2. When the matter is taken up for hearing, learned counsel for the Petitioner/wife submitted that, H.M.O.P.No.216 of 2019 is filed by the Respondent/husband before the Family Court at Kanyakumari, seeking divorce and that, the Petitioner/wife has filed a Petition in H.M.O.P.No.618 of 2019 before the Principal Subordinate Court at Poonamallee, seeking restitution of conjugal rights. According to the learned counsel, if both cases are tried together before the Family Court at Chennai, a composite order can be passed, in order to give a quietus to the matter.

3. Learned counsel appearing for the Respondent submitted that, the Respondent is not in a position to travel a long way from Kanyakumari to Chennai to attend the hearings of the case, leaving behind his aged father. However, learned counsel submitted that, instead of transferring the case to the Family Court at Chennai, the case may be ordered to be transferred to the Family Court at Madurai.

4. Whether the case is transferred to Chennai or to Madurai, parties are represented by Lawyers before the Court below and their presence is required only for tendering evidence and during the cross-examination of the other side.

5. Hence, in view of Section 24 C.P.C., proceedings in H.M.O.P.No.216 of 2019 pending on the file of the Family Court, Kanyakumari at Nagercoil and H.M.O.P.No.618 of 2019 pending on the file of the Principal Subordinate Court at Poonamallee, are withdrawn and ordered to be transferred to the Family Court at Chennai, for joint trial. The Family Court at Chennai is expected to conclude the joint trial in H.M.O.P.No.216 of 2019 and H.M.O.P.No.618 of 2019, as expeditiously as possible, without adjourning the matter beyond 30 working days at any point of time.

6. It is needless to mention that, it is open to the parties to appear before the Mediator in the Family Court at Chennai, to arrive at a settlement.

7. This Transfer Miscellaneous Petition is disposed of accordingly. No costs. Consequently, connected C.M.P.No.27449 of 2019 is closed.

Sd/-
Assistant Registrar(CS-VIII)

// True Copy//

Sub Assistant Registrar

(aeb)

To :

1. The Family Court, Kanyakumari at Nagercoil.
- 2.The Family Court at Chennai.
- 3.The Principal Subordinate Judge, Poonamallee.

+2cc to Mr.Mr.R.Raman Laal, Advocate, SR.No.13451.
+1cc to Mr.J.Duthie Marshall, Advocate, SR.No.12273.

SR(CO)
CSR: 20.03.2020
GMV(14/08/2020)

Tr.C.M.P.No.1029 of 2019