

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.03.2021
CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
Tr.C.M.P.No.105 & 118 of 2021
and
C.M.P.Nos.3506 & 3741 of 2021

TR.CMP.No.105 of 2021

Srividhya Sundararaman .. Petitioner

vs.

Sriram Nandakumar .. Respondent

PRAYER : Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the G.W.O.P.No.171 of 2020 pending on the file of the Principal District Court, Chengalpet and transfer the same to the II Additional Family Court, Chennai to be tried along with O.P.No.90 of 2021.

TR.CMP.No.118 of 2021

Srividhya Sundararaman .. Petitioner

vs.

Sriram Nandakumar .. Respondent

PRAYER : Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.5 of 2021 pending on the file of the Sub Court, Alandur and transfer the same to the file of the II Additional Family Court, Chennai with a direction to the II Additional Family Court, Chennai to try along with the O.P.No.90 of 2021.

For Petitioner : M/s.A.Arulmozhi
[in both cases]
For Respondent : Mr.S.Kathiravan
[in both cases]

COMMON ORDER

The marriage between the petitioner and the respondent was solemnized on 09.12.2016 as per the Hindu Rites and Customs.

2. From and out of the wedlock between the petitioner and the respondent, a male child born and the

petitioner states that now she is living separately along with the minor son. The respondent/husband filed G.W.O.P.No.171 of 2020 on the file of the Principal District Court, Chengalpattu. Further, H.M.O.P.No.5 of 2021 also was filed by the respondent/husband for Restitution of Conjugal rights before Sub Court, Alandur.

3. However, the petitioner/wife filed O.P.No.90 of 2021 for Dissolution of Marriage, which is now pending before the II Additional Family Court, Chennai.

4. The learned counsel for the petitioner states that all the petitions are to be tried together in order to avoid conflicting decisions. The learned counsel for the respondent has no objection for transfer.

5. However, the allegations set out in the petitions are to be adjudicated before the trial Court and this Court is of an opinion that the said allegations cannot be considered in a transfer petition by this Court. In view of no objection expressed by the respondent, G.W.O.P.No.171 of 2020 pending on the file of the Principal District Court, Chengalpattu and H.M.O.P.No.5 of 2021 pending on the file of the Sub Court, Alandur are directed to be transferred to the II Additional Family Court, Chennai, to be tried along with O.P.No.90 of 2021.

6. Accordingly, both the Transfer Civil Miscellaneous Petition in TR.CMP.Nos.105 & 118 of 2021 stand allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

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To

1.The Judge,
Principal District Court, Chengalpattu.

2.The Judge,
Sub Court, Alandur.

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

+2CC TO M/S.A.ARULMOZHI, ADVOCATE, SR.NO. 17778,17779

Tr.CMP No.105 & 118 of 2021

SMI (CO)
KKN 27.04.2021



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