



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

Tr.C.M.P. No.249 of 2021
and
C.M.P. No.6896 of 2021

U.Vaishnavi

.. Petitioner

Vs

C.Balaji

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw and transfer the O.P. No.46 of 2020 pending on the file of the V Additional Family Court, Chennai to be jointly tried along with O.P. No.42 of 2021 pending on the file of the Family Court, Krishnagiri.

For Petitioner : Mrs. S.Uma Maheswari

For Respondent : Mr. D.Johnson

O R D E R

This transfer civil miscellaneous petition is filed to withdraw and transfer O.P. No.46 of 2020 pending on the file of the V Additional Family Court, Chennai to be jointly tried along with O.P. No.42 of 2021 pending on the file of the Family Court, Krishnagiri.

2. The petitioner is the wife. The respondent husband filed a petition for divorce in O.P. No.46 of 2020 on the file of the V Additional Family Court, Chennai. The petitioner wife filed a petition for restitution of conjugal rights in O.P. No.42 of 2021 on the file of Family Court, Krishnagiri. Learned counsel appearing for the petitioner wife submits that both the petitions may be tried together and further submits that the transfer is purely on the ground of convenience.

3. Though the petitioner has made some allegations, she filed a petition for restitution of conjugal rights only after the husband filed a petition for divorce before the Family Court, Chennai. Without going into the merits of the allegations in the respective petition, this Court is of the view that both the matters can be transferred to a place which is common to both parties. The learned counsel for the respondent agrees that the matter shall be transferred to Family Court, Vellore.



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4. Considering the distance from Krishnagiri to Vellore and Chennai to Vellore, the request of the husband appears to be fair. Though the petitioner seeks transfer of O.P. No.46 of 2020 alone, for the convenience of both parties, this Court is inclined to pass the following order:

O.P. No.46 of 2020 on the file of V Additional Family Court, Chennai and O.P. No.42 of 2021 on the file of Family Court, Krishnagiri, are hereby withdrawn and transferred to Family Court, Vellore, to be tried and disposed of together.

5. With the above direction, this transfer civil miscellaneous petition is disposed of. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

bkn

To

1.V Additional Family Court, Chennai.

2.Family Court, Krishnagiri

3.Family Court, Vellore.

+1CC to Mr.C.Jagadish, Advocate, Sr.No.27760

Tr. C.M.P. No.249 of 2021

UM (CO)
K.RK. (20.07.2021)