



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S. KANNAMMAL

Tr.C.M.P.No.310 of 2021

and

C.M.P.No.7546 of 2021

[Through video conferencing]

R.Anbu Sangeetha

... Petitioner

-vs-

R.S.Uma Chandru

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.100 of 2020 pending before the I Additional Sub-Court, Tindivanam and transfer the same to the IV Additional Family Court, Chennai to hear with H.M.O.P.No.82 of 2021.

For Petitioner : Mrs.D.Kalaiselvi

For Respondent : T. Mahesh Babu

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.100 of 2020 pending before the I Additional Sub-Court, Tindivanam and transfer the same to the IV Additional Family Court, Chennai to hear with H.M.O.P.No.82 of 2021.

2.The respondent/husband has filed H.M.O.P.No.100 of 2020 before the I Additional Sub-Court, Tindivanam for divorce. The petitioner/wife has filed H.M.O.P.No.82 of 2021 before the IV Additional Family Court at Chennai for divorce.

3.The learned counsel for the petitioner/wife submitted that the petitioner is residing with her aged parents at K.K.Nagar, Chennai. Moreover, she is depending on her aged and sick parents and the petitioner being a lady, it is very difficult for her to travel from Chennai to Tindivanam for attending the Court on every hearing. Therefore, she seeks to transfer the case from Tindivanam to Chennai.



4.The learned counsel for the respondent/husband has strongly opposed to transfer the case from I Additional Sub-Court, Tindivanam to the file of the IV Additional Family Court, Chennai to hear along with H.M.O.P.No.82 of 2021.

5.Heard the learned counsel on either side and perused the materials placed on record.

6.This Court is satisfied with the reasons stated in the affidavit filed in support of this petition. Further, since two cases are pending from two different Courts i.e., the wife and husband filed a petitions for divorce, to avoid multiplicity of proceedings and conflicting judgments, both the cases have to be tried together before a single Judge.

7.Considering the facts and circumstances of the case and considering the submission made by the learned counsel for the petitioner, H.M.O.P.No.100 of 2020 is withdrawn from the file of the I Additional Sub-Court, Tindivanam and transferred to the file of the IV Additional Family Court at Chennai to be tried along with H.M.O.P.No.82 of 2021 for disposal as per law. The learned I Additional Sub-Judge, Tindivanam, is directed to transmit the papers to the IV Additional Family Judge, Chennai forthwith. The learned IV Additional Family Judge, Chennai is directed to dispose of H.M.O.P.No.100 of 2020 along with H.M.O.P.No.82 of 2021 on merits and in accordance with law as expeditiously as possible.

8. In fine, this petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gbi

To:

1. The I Additional Sub-Judge, Tindivanam.
2. The IV Additional Family Judge, Chennai.

+1cc to Mr. T. Mahesh Babu, Advocate, S.R.No.51694
+1cc to Mrs.D.Kalaiselvi, Advocate, S.R.No.50941

Tr.C.M.P.No.310 of 2021 and
C.M.P.No.7546 of 2021

PL(CO)
CT/13/10/2021