



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

TR.C.M.P.NO.372 OF 2021

AND

C.M.P.NO.8612 OF 2021

Praveena Jennifer

... Petitioner

.Vs.

Wilson Bosco Paul

... Respondent

PRAYER:-

This Petition filed under Section 24 of the Code of Civil Procedure seeking to withdraw the case in D.O.P.No.237 of 2021 pending on the file of the Family Court at Salem and transfer the same to the Family Court, Puducherry.

For Petitioner : Mr.A.R.Suresh

For Respondent : Mr.R.Neethi Perumal

O R D E R

(The case has been heard through video conference)

The present Transfer Civil Miscellaneous Petition is filed to withdraw the D.O.P.No.237 of 2021 on the file of the Family Court, Salem and transfer the same to the file of the Family Court, Puducherry for having joint trial along with O.S.No.65 of 2020 pending on the file of the Family Court, Puducherry.

2. The petitioner/wife has filed O.S.No.65 of 2020 before the Family Court, Puducherry for divorce. The respondent/husband has filed D.O.P.No.237 of 2021 before the Family Court, Salem for restitution of conjugal rights.

3. The learned counsel for the petitioner/wife submitted that the petitioner is residing with her parents at Puducherry along with her 3 years old child and she finds it very difficult to travel about 200 kms from Puducherry to Salem for attending every hearing in D.O.P.No.237 of 2021 on the file of the Family Court, Salem.



4. Mr.R.Neethi Perumal, learned counsel appearing for the respondent strongly opposing the transfer of the case from Salem to Puducherry, submitted that the respondent is ready to bear the travel expenses of the petitioner.

WEB COPY

5. This Court considered the arguments made by the learned counsel on either side.

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 filed a petition for divorce and the husband filed an application for restitution of conjugal rights, to avoid multiplicity of proceedings and conflicting judgements, both the cases have to be tried before a single Judge.

7. Considering the facts and circumstances of the case and considering the submission made by the learned counsel on either side, D.O.P.No.237 of 2021 is withdrawn from the file of the Family Court, Salem and transferred to the file of the Family Court, Puducherry to be tried along with O.S.No.65 of 2020 for disposal as per law. The learned Judge, Family Court, Salem, is directed to transmit the papers to the Family Court, Puducherry forthwith. The learned Judge, Family Court, Puducherry is directed to dispose of D.O.P.No.237 of 2021 along with O.S.No.65 of 2020 on merits and in accordance with law as expeditiously as possible.

8. The personal appearance of both parties before the Family Court, Puducherry, is dispensed with, except the dates of hearing, on which, the learned Judge insisted upon the parties to appear before the Court. On other hearing dates, the counsel on behalf of the parties may appear before the Court.

9. In fine, this Transfer Civil Miscellaneous Petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Judge,
Family Court,
Salem.



2. The Judge,
Family Court,
Puducherry.

WEB COPY

+1cc to Mr.A.R.Suresh, Advocate, S.R.No.41334

TR.C.M.P.NO.372 OF 2021 AND
C.M.P.NO.8612 OF 2021

SMI (CO)
PBS/24/09/2021