



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

TR.C.M.P.NO.415 OF 2021

AND

C.M.P.NO.9977 OF 2021

B.Priya @ Shalini Priya ...Petitioner / Respondent
(Wife)

Vs.

R.Anbalagan @ Alan David ...Respondent / Petitioner
(Husband)

Prayer : This Petition filed under Section 24 of the Code of Civil Procedure seeking to withdraw the case in F.C.O.P.No.1400 of 2021 pending on the file of the VI Additional Principal Judge, Family Court at Chennai and transfer the same to the Principal District Judge, Vellore to be tried along with I.D.O.P.No.160 of 2020 pending on the file of the Principal District Judge, Vellore.

For Petitioner : Mr.S.Vijayanand

For Respondent : R.Anbalagan @ Alan David
Respondent appeared as
Party in person

O R D E R

(The case has been heard through video conference)

The present Transfer Civil Miscellaneous Petition is filed to withdraw the F.C.O.P.No.1400 of 2021 on the file of the learned VI Additional Principal Judge, Family Court, Chennai and transfer the same to the file of the learned Principal District Judge, Vellore for having joint trial along with I.D.O.P.No.160 of 2020 pending on the file of the Principal District Court, Vellore.

2. The petitioner/wife has filed I.D.O.P.No.160 of 2020 before the Principal District Court, Vellore for divorce. The respondent/husband has filed F.C.O.P.No.1400 of 2021 before the VI Additional Principal Family Court, Chennai for restitution of conjugal rights.



3. The learned counsel for the petitioner/wife submitted that the petitioner is residing at Arakkonam along with her 7 years old female child and she finds it very difficult to travel from Arakkonam to Chennai for attending every hearing in F.C.O.P.No.1400 of 2021 on the file of the VI Additional Principal Family Court, Chennai.

4. Mr.R.Anbalagan @ Alan David, the respondent herein, submitted that it will be very difficult for him to travel from Chennai to Vellore.

5. This Court considered the arguments made by the learned counsel for the petitioner and the respondent.

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 for the petitioner and the respondent, F.C.O.P.No.1400 of 2021 is withdrawn from the file of the VI Additional Principal Family Court, Chennai and transferred to the file of the Principal District Court, Vellore to be tried along with I.D.O.P.No.160 of 2020 for disposal as per law. The learned VI Additional Principal Judge, Family Court, Chennai, is directed to transmit the papers to the Principal District Court, Vellore forthwith. The learned Principal District Judge, Vellore is directed to dispose of F.C.O.P.No.1400 of 2021 along with I.D.O.P.No.160 of 2020 on merits and in accordance with law as expeditiously as possible.

8. The personal appearance of both parties before the Principal District Court, Vellore, 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-VI)

// True Copy //

Sub Assistant Registrar

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To

1.The VI Additional Principal Judge,
Family Court,
Chennai.

2.The Principal District Judge,
Vellore.

+2ccs to Mr.S.Vjay Anand, Advocate SR.No.40264

Tr.C.M.P.No.415 of 2021
and C.M.P.No.9977 of 2021

GJ(CO)
RVM(24/09/2021)