

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

TR.CMP.Nos.528 & 818 of 2019  
C.M.P.Nos.14560 & 22723 of 2019

Malarvizhi Kannan ..Petitioner in Tr.C.M.P.No.528 of 2019

A.N.Arunkelvan ...Petitioner in Tr.C.M.P.No.818 of 2019

vs.

A.N.Arunkelvan .. Respondent in Tr.C.M.P.No.528 of 2019

Malarvizhi Kannan .. R1 in Tr.C.M.P.No.818 of 2019

V.Sivankari .. R2 in Tr.C.M.P.No.818 of 2019

PRAYER in Tr.C.M.P.No.528 of 2019: Transfer CMP is filed under Section 24 and 151 of the Civil Procedure Code, to withdraw the case O.P.No.2199 of 2019 now pending on the file of the II Additional Family Court, Chennai and transfer the same to the Principal Judge, Family Court, Coimbatore.

PRAYER in Tr.C.M.P.No.818 of 2019: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the petition in H.M.O.P.No.619 of 2018 from the file of the Principal Family Court, Coimbatore and transfer the same to the Family Court at Erode.

In TR.C.M.P.No.528 of 2019

For Petitioner : Mr.P.Sureshbabu

For Respondents :Mr.S.Anbazhagan

In TR.C.M.P.No.818 of 2019

For Petitioner : Mr.A.Tamilselvan

For Respondents

:Mr.R.Sureshbabu for R1  
No-appearance for R2

C O M M O N O R D E R

The transfer Civil Miscellaneous petition No.818 of 2019 is filed by the husband to transfer H.M.O.P.No.619 of 2018 filed by the first respondent/wife before the Principal Family Court, Coimbatore.

2. The transfer Civil Miscellaneous petition No.528 of 2019 is filed by the wife to transfer O.P.No.2199 of 2019 filed by the respondent/husband before the II Additional Family Court, Chennai.

3. The petitioner in Tr.CM.P.No.818 of 2019 states that the marriage between the petitioner and the first respondent on 02.12.2012 as per the Hindu Rites and Customs. In the petition, the petitioner has stated that after the marriage, they were living at Chennai. The first respondent/wife is now working in the United States of America. A male child born from and out of the wedlock on 06.12.2013 at United States of America. It is contended that both the petitioner and the first respondent were living happily in United States of America and due to misunderstanding, now they are living separately. The custody of the child was given to the first respondent through the General Court of Justice, District Court Division(JPC), North Carolina, USA. The first respondent/wife filed H.M.O.P.No.619 of 2018 before the Principal Family Court, Coimbatore for dissolution of Marriage. The petitioner also filed O.P.No.2199 of 2019 before the Second Additional Family Court, Chennai.

4. The fact remains that the petitioner/husband filed a divorce petition before the Court at Chennai and the respondent/wife filed H.M.O.P.No.619 of 2018 before the Family Court, Coimbatore. However, the learned counsel for the petitioner states that now he is residing at Tiruchirappalli. Therefore, both the petitioner and the respondent are not residing at Chennai. When the petitioner admitted that he is residing in Tiruchirappalli and the respondent is residing in United States of America, it would be preferable to try all the cases before the Family Court, Coimbatore in order to avoid inconsistency, while passing orders in various cases.

5. This being the factum, O.P.No.2199 of 2019 pending on the file of the Second Additional Family Court, Chennai stands transferred to the Principal Family Court, Coimbatore to be tried along with H.M.O.P.No.619 of 2018. Accordingly, the transfer Civil Miscellaneous Petition No.528 of 2019 stands

allowed and the Transfer Civil Miscellaneous Petition No.818 of 2019 stands disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssb

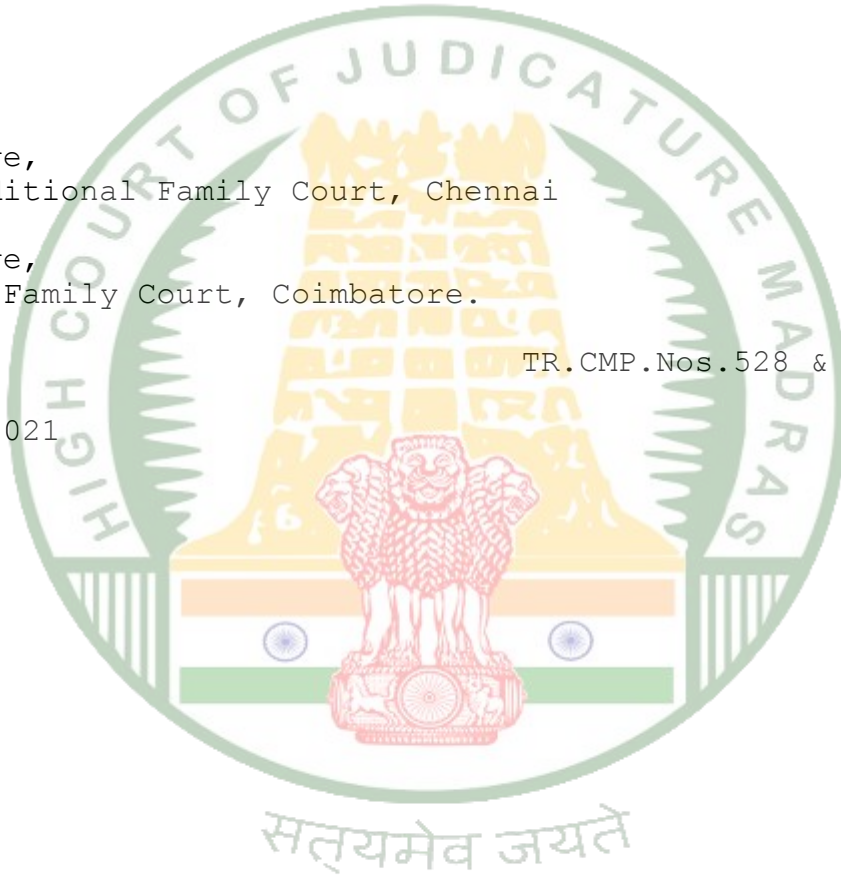
To

1.The Judge,  
Second Additional Family Court, Chennai

2.The Judge,  
Principal Family Court, Coimbatore.

TR.CMP.Nos.528 & 818 of 2019

AAB(CO)  
RG.17/04/2021



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