



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S. KANNAMMAL

Tr.C.M.P.No.631 of 2021 and

CMP.No.15886 of 2021

[Through video conferencing]

C.Janani

... Petitioner

Vs.

S. S. Nakeeran

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 read with Section 151 of the Code of Civil Procedure, to withdraw F.C.O.P.No.204 of 2020 on the file of the Family Court, Chengalpattu and transfer the same before the IV Additional Family Court, Chennai.

For Petitioner : Mr.K.Kathiresan

For Respondent : No Appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw F.C.O.P.No.204 of 2020 on the file of the Family Court, Chengalpattu and transfer the same before the IV Additional Family Court, Chennai.

2.The petitioner/wife has filed a Divorce petition in F.C.O.P.No.204 of 2020 before the Family Court, Chengalpattu and simultaneously the respondent/husband herein has filed a petition in H.M.O.P.No.443 of 2020 for restitution of conjugal rights before the IV Additional Family Court, Chennai, and both the cases are still pending before the respective Courts.

3.The learned counsel for the petitioner/wife submitted that the petitioner is having 8 years old male child and that she has no source of income and she is depending on her parents for her day to day expenses and she is taking care of them. He would further submit that the petitioner being lady, she was unable to



travel all along from Chennai to Chengalpattu for attending the Court on every hearing in F.C.O.P.No.204 of 2020 on the file of the Family Court, Chengalpattu and H.M.O.P.No.443 of 2020 on the file of the IV Additional Family Court, Chennai, simultaneously. Therefore she seeks to transfer the case in F.C.O.P.No.204 of 2020 from the file of the Family Court, Chengalpattu to the file of the IV Additional Family Court, Chennai to be tried along with H.M.O.P.No.443 of 2020 pending on the file of the IV Additional Family Court at Chennai.

4. There is no representation on behalf of the respondent. Heard the learned counsel for the petitioner and perused the materials available on record.

5. This Court is satisfied with the reasons stated in the affidavit filed in support of this petition. Further, since two cases are pending in two different Courts i.e., the husband filed a petition for restitution of conjugal rights and the wife filed an application for divorce, to avoid multiplicity of proceedings and conflicting judgments, it would be appropriate that both the cases have to be tried before a single Judge.

6. Considering the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner, F.C.O.P.No.204 of 2020 is withdrawn from the file of the Family Court, Chengalpattu and transferred to the file of the IV Additional Family Court, Chennai to be tried along with H.M.O.P.No.443 of 2020 for disposal as per law. The learned Family Judge, Chengalpattu, 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 F.C.O.P.No.204 of 2020 along with H.M.O.P.No.443 of 2020 on merits and in accordance with law as expeditiously as possible.

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

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar



gbi

To:

1.The Judge,
The Family Court,
Chengalpattu.

2.The Judge,
IV Additional Family Court,
Chennai.

+1cc to M/s.K.Kathiresan Advocate, S.R.No.51913

Tr.C.M.P.No.631 of 2021

GMP(CO)
SB(22/10/2021)