



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR CMP No.691 of 2021
and
CMP No.17094 of 2021

F.Shahina Pon

... Petitioner/Respondent

Vs

S.Jerome Prince

... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, pleased to withdraw D.O.P. No.93 of 2021 on the files of Additional District Court, Thoothukkudi and transfer the same to the III Additional Family Court, Chennai.

For Petitioner : Ms.J.Johnsy Greeta
for M/s.K.Subbu Ranga Bharathi

O R D E R

The wife seeks transfer of DOP.No.93 of 2021 filed by the husband seeking restitution of conjugal rights on the file of the Additional District Court, Thoothukudi.

2.The transfer is sought for on the ground that IDOP.No.2770 of 2020 filed by the wife seeking divorce, GWOP.No.2769 of 2020 filed by the wife seeking custody of the child and M.C.No.6 of 2021 filed by the wife seeking maintenance are all pending before the III Additional Family Court at Chennai. It is also seen from the records that only after service of notice in all these proceedings that are pending before the III Additional Family Court, Chennai, the husband has filed DOP.No.93 of 2021 seeking restitution of conjugal rights in April 2021 at Thoothukudi.

3.It is clear that DOP.No.93 of 2021 has been filed as a counter case to the proceedings launched by the wife on the file of the Family Court, Chennai. Though the husband has given the addresses of the parties at Thoothukudi in the proceedings filed before the Additional District Court at Thoothukudi, it is seen



from the documents produced by the wife that the child born out of the wedlock is studying in a school at Kottivakkam near Chennai. The wife has also produced tenancy agreement entered into in January 2020, where the husband has taken on lease an Apartment in Valmiki Street, Thiruvannamiyur. It is also shown in the said instrument that the husband is working as a Software Engineer in Accenture Solution Private Limited, Perungalathur.

4. In view of the pendency of various proceedings before the Family Court, Chennai, the possibility of there being conflict of judicial verdicts, if the proceedings are allowed to go on in two different Courts and taking into account the convenience of the wife, who is a resident of Chennai, I am of the opinion that the proceedings before the District Court, Thoothukudi could be withdrawn and transferred to the Family Court, Chennai.

5. In view of the above, the Transfer Civil Miscellaneous Petition is allowed. The DOP.No.93 of 2021 on the file of the Additional District Court, Thoothukudi is withdrawn and transferred to III Additional Family Court, Chennai to be tried and disposed of along with IDOP.No.2770 of 2020 and GWOP.No.2769 of 2020. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

vs

To

1.The Additional District Court,
Thoothukudi.

2.The III Additional Family Court,
Chennai.

+1cc to Mr.K.Subbu Ranga Bharathi, Advocate SR.No.65033

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SVI (CO)
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