



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM

THE HON'BLE Ms.JUSTICE P.T.ASHA

Tr.C.M.P.No.264 of 2022
and
C.M.P.No.5193 of 2022

S.Sathya		... Petitioner
	Vs	
G.Priyadarshini		... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the petition filed by the respondent in M.C.No.94 of 2021 on the file of Hon'ble V Additional Principal Family Court at Chennai and transfer the same to Hon'ble Sub Court, Tambaram where the divorce petition for the connective case was already filed by the petitioner in H.M.O.P.No.230 of 2020, is still pending.

For Petitioner	: Mr.S.Gugappriya
For Respondent	: Mr.Koviramalingam

O R D E R

The respondent-husband has filed this petition to transfer M.C.No.94 of 2021 pending on the file of the V Additional Principal Family Court, Chennai to the file of the Sub Court, Tambaram, where the divorce petition filed by the petitioner-husband is pending in H.M.O.P.No.230 of 2020.

2. After service of notice, the learned counsel has entered appearance for the respondent-wife.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

4. The learned counsel for the respondent-wife would submit that the maintenance case cannot be transferred from the Family Court to the Sub Court, as it is a proceeding under Section 125 of Cr.P.C. She would submit that the wife is taking steps to file a petition to transfer H.M.O.P.No.230 of 2020 to



the file of the Family Court at Chennai, since the respondent-wife is residing at Chennai and the respondent-husband is not paying any maintenance to her.

5. In the light of the above, Tr.C.M.P. is disposed of, with a direction to withdraw H.M.O.P.No.230 of 2020 pending on the file of the Sub Court, Tambaram and transfer the same to the file of the V Additional Principal Family Court, Chennai to be heard along with M.C.No.94 of 2021. It is also on account of the fact that the proceedings under Section 125 of Cr.P.C is pending before the Family Court, which cannot be transferred to the Sub Court, as the Sub Court does not have the jurisdiction to consider the same.

6. With the aforesaid direction, this Tr.C.M.P is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

srn

To

1. The V Additional Principal Judge,
Family Court, Chennai.
2. The Subordinate Judge,
Tambaram.

Tr.C.M.P.No.264 of 2022
and
C.M.P.No.5193 of 2022

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