



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR.C.M.P.NO.889 OF 2021

AND

C.M.P.NO.19905 OF 2021

S.Divya

...Petitioner / Respondent

Vs.

K.Pragash

...Respondent / Petitioner

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure, praying to withdraw MOP.No.221 of 2021 pending on the file of the Family Court, Pondicherry and transfer the same to the Subordinate Court, Alandur for joint trial along with O.P.No.319 of 2021.

For Petitioner : Mr.J.Ravikumar

For Respondent : No appearance

O R D E R

The wife seeks transfer of MOP.No.221 of 2021 pending on the file of the Family Court, Pondicherry to Sub-Court, Alandur for trial along with O.P.No.319 of 2021 filed by her.

2. The respondent though served is not appearing either in person or through counsel duly instructed.

3. The wife initiated proceedings for divorce before the Sub-Court, Tambaram during August 2020 and the said Original Petition was numbered as O.P.No.273 of 2020. Thereafter, the husband had filed MOP.No.221 of 2021 on the file of the Family Court, Pondicherry seeking divorce.

4. The conduct of these two proceedings in different Courts would definitely create possibility of conflicting judicial verdicts. The wife's petition is earlier in point of time and pending before the Sub-Court, Alandur. The transfer of MOP.No.221 of 2021 from the Family Court, Pondicherry to the Sub-Court, Alandur would not cause much inconvenience to the husband as he will not be required to appear for every hearing



before the Sub-Court, Alandur. Rejection of the request for transfer would apart from leading to a possibility of conflicting judicial verdicts would also cause inconvenience to the wife, as she should appear before the Family Court, Pondicherry for every hearing.

5. Hence, this Transfer Civil Miscellaneous Petition is allowed and MOP.No.221 of 2021 filed by the husband on the file of the Family Court, Pondicherry is withdrawn and transferred to Sub-Court, Alandur to be tried and disposed on along with OP.No.273 of 2020 pending on its file. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

dsa

To

- 1.The Family Judge,
Pondicherry.
- 2.The Subordinate Judge,
Alandur.

Tr.C.M.P.No.889 of 2021

SSN(CO)
RVM(10/02/2022)