

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.156 of 2015 and
MP.No.1 of 2015

Vijayalakshmi

...Petitioner

versus

A.Muthukumaran

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the petition in HMOP No.553 of 2014, from the file of the Subordinate Judge, Tambaram and transfer the same to the file of the Subordinate Judge, Tiruvarur for being tried along with HMOP No.93 of 2014.

For Petitioner : Mr. P.Thiagarajan

For Respondent : No appearance

O R D E R

The respondent initiated proceedings in HMOP.No.553 of 2014 before the Subordinate Court at Tambaram. The petitioner, on the other hand, filed HMOP No.93 of 2014 before the Subordinate Court, Tiruvarur under section 9 of the Hindu Marriage Act. The proceedings are now pending before the respective courts. The petitioner has come up with this petition for transfer of the original petition in HMOP No.553 of 2014.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondent.

3. There are two proceedings pending before two different Courts. The proceeding in HMOP No.553 of 2014 is pending on the file of Subordinate Court, Tambaram. The connected proceeding in HMOP No.93 of 2014 is pending on the file of Subordinate Court at Tiruvarur. In case these two proceedings are taken up by two different courts, there is a possibility of passing contradictory orders in the very same subject matter.

4. Section 19(iii-a) of the Hindu Marriage Act, permits the wife to initiate matrimonial proceedings before the Court in whose jurisdiction she is residing at the time of institution of proceedings.

5. The petitioner has given sufficient reasons justifying her request for transfer of the proceedings. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceeding in HMOP No.553 of 2014 is withdrawn from the file of Subordinate Court at Tambaram and is transferred to the file of Subordinate Court at Tiruvarur for disposal along with HMOP No.93 of 2014.

7. The Transfer CMP is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1.The Subordinate Judge,
Tambaram.

2.The Subordinate Judge,
Tiruvarur.

Transfer CMP No.156 of 2015

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srg 05/12/2016

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