

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.223 of 2015 and

MP.No.1 of 2015

A.Kamatchi ...Petitioner/Respondent

versus

S.Anand ...Respondent/Petitioner

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw HMOP No.4287 of 2014 pending on the file of I Additional Family Court at Chennai and transfer the same to the Sub-Court, Ranipet at Vellore District for joint trial in HMOP No.5 of 2015 pending on the file of Sub-Court, Ranipet, Vellore District.

For Petitioner : Mr.B.Sundrapandian
For Respondent : Mr.S.Kingston Jerold

O R D E R

The respondent instituted a proceedings in HMOP No.4287 of 2014 before the I Additional Family Court at Chennai, for a decree of divorce. The petitioner, thereafter filed HMOP No.5 of 2015 before the Sub-Court at Ranipet, praying for a decree under Section 9 of the Hindu Marriage Act. The petitioner has come up with this transfer petition for transfer.

2. The learned counsel for the respondent fairly submitted that the respondent has no objection in transferring the proceedings from the I Additional Family Court at Chennai to the Sub Court at Ranipet, Vellore District. The learned counsel seeks a direction to the Trial Court to dispose of the matter as expeditiously as possible.

3. There are two proceedings now pending before two different Courts. The proceedings initiated by the petitioner for divorce in HMOP.No.4287 of 2014 is pending before the I Additional Family Court at Chennai. The connected proceedings initiated by the petitioner for restitution of conjugal rights in HMOP No.5 of 2015 is pending before the Sub-Court at Ranipet. It would be in the interest of both the parties, in case, the matter is transferred to a particular Court for disposal.

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. In view of the submission made on behalf of the respondent and taking into account the residence of the petitioner at Vellore and the pendency of the connected proceedings before the I Additional Family Court at Chennai, the transfer petition deserves to be allowed.

6. The proceedings in H.M.O.P.No.4287 of 2014 is withdrawn from the file of I Additional Family Court at Chennai and is transferred to the file of Sub-Court, Ranipet at Vellore District, for disposal along with H.M.O.P.No.5 of 2015.

7. The learned Subordinate Judge, Ranipet is directed to dispose of the matrimonial proceedings as expeditiously as possible, and in any case, within a period of six months from the date of receipt of a copy of this order.

8. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

1.The Sub Judge, Sub-Court, Ranipet at Vellore District.

2.The I Additional Family Court Judge, Chennai.

+1 cc to Mr.B.Sundarapandian,advocate,sr.65468.

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