

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **26.10.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

Transfer CMP No.23 of 2015 and
MP.No.1 of 2015

B.Jothilakshmi

...Petitioner

versus

R.Balaraman

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to transfer the HMOP No.65 of 2014, pending on the file of the Sub-Court, Madhuranthagam to Principal Family Court at Chennai.

For Petitioner : Mr. M.Selvam

For Respondent : No appearance

ORDER

The respondent initiated proceedings in HMOP.No. 65 of 2014 before the Subordinate Court at Madhruanthagam. The petitioner, on the other hand, instituted proceedings in HMOP No.3858 of 2014 before the Family Court, at Chennai, praying for a decree under section 9 of the Hindu Marriage Act. The petitioner now seeks an order to transfer the proceeding in HMOP No.65 of 2014 to the file of Principal Family Court at Chennai.

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

K.K.SASIDHARAN,J.

ajr

3. There are two proceedings now pending before two different Courts. The proceeding initiated by the petitioner in HMOP No.3858 of 2014 is pending on the file of Principal Family Court at Chennai. The other proceeding initiated by the respondent in HMOP No.65 of 2014 is pending on the file of Subordinate Court at Maduranthagam. 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. I am therefore of the view that the transfer petition deserves to be allowed.

4. The proceedings in HMOP No.65 of 2014 is withdrawn from the file of Subordinate Court at Maduranthagam and is transferred to the file of Principal Judge, Family Court at Chennai for disposal on merits along with HMOP No.3858 of 2014.

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

26.10.2016

ajr

To

1. Sub-Court, Madhuranthagam

2. Principal Family Court, Chennai. **Transfer CMP No.23 of 2015****<http://www.judis.nic.in>**