

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2016

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Tr.C.M.P.No.280 of 2015

And

M.P.No.1 of 2015

Ashok Kumar @ Ashok Petitioner
Vs.

Parameshwari Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code seeking to withdraw H.M.O.P.No.60 of 2013 on the file of the Subordinate Judge, Pollachi and transfer H.M.O.P.No.60 of 2013 on the file of the Subordinate Judge, Pollachi for joint trial with the H.M.O.P.No.70 of 2014 on the file of the Family Court, Coimbatore.

For Petitioner : Mr.P.Srinivas

For Respondent : Mr.D.R.Arun Kumar

O R D E R

The petitioner initiated proceedings in H.M.O.P.No.70 of 2014 before the Family Court, Coimbatore praying for a decree of divorce. The respondent on the other hand initiated proceedings in H.M.O.P.No.60 of 2013 before the Subordinate Court, Pollachi invoking Section 9 of the Hindu Marriage Act. The petitioner has come up with the present petition for transfer of the proceedings in H.M.O.P.No.60 of 2013.

2.Heard the learned counsel appearing for the petitioner and the learned counsel for the respondent.

3.There are two proceedings now pending before two different Courts. The proceedings in H.M.O.P.No.70 of 2014 for divorce initiated by the petitioner is pending before the Family Court, Coimbatore. The other proceedings in H.M.60.P.No.60 of 2013 initiated by the respondent herein is pending before the Subordinate Court, Pollachi. In case two proceedings involving common question are tried in two different Courts, there is a possibility of passing contradictory orders in the very same subject matter.

4.The petitioner is a resident of Coimbatore. The respondent is a resident of Vettaikaranpudhur near Pollachi. The prayer in the transfer petition is to transfer the proceedings from Pollachi to Coimbatore. In case the proceedings is transferred from Pollachi to Coimbatore, the respondent has to travel from her native place to Coimbatore. I am therefore of the view that H.M.O.P.No.70 of 2014 deserves to be transferred to the file of the Subordinate Court, Pollachi.

5.In the result, the proceedings in H.M.O.P.No.70 of 2014 is withdrawn from the file of Family Court, Coimbatore and is transferred to the file of Subordinate Court, Pollachi for disposal along with H.M.O.P.No.60 of 2013.

6.The transfer petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

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To

1.The Family Court,
Coimbatore.

2.The Subordinate Court,
Pollachi.

1 cc to Mr.P. Srinivas, Advocate, Sr. 64583

1 cc to Mr.D.R. Arunkumar, Advocate, Sr. 64678

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