

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.410 of 2015
and
MP.No.1 of 2015

Angelyn Gayathri @ Gayathri ... Petitioner

versus

G.David Vijai Sathish @ Sathish Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the IDOP No.21 of 2015 on the file of Principal District Judge, Chengelpet and transfer and try along with IDOP No.19 of 2015 on the file of Principal District Judge, Cuddalore.

For Petitioner : Mr. D.Ravichander

For Respondent : No appearance

O R D E R

The respondent initiated proceedings in IDOP.No.21 of 2015 before the Principal District Court at Chengelpet. The petitioner, on the other hand, instituted a proceeding in IDOP No.19 of 2015 before the Principal District Court, Cuddalore, praying for a decree under section 9 of the Hindu Marriage Act. The petitioner has now come up with this petition for transfer of the proceedings in IDOP No.21 of 2015 filed for a decree of divorce.

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 IDOP No.21 of 2015, praying for a decree of divorce, is pending on the file of Principal District Court at Chengelpet. The connected proceeding in IDOP No.19 of 2015 filed by the petitioner is pending on the file of Principal District Court at Cuddalore. Since there are two proceedings pending on the file of two different courts, necessarily one such petition deserves to be transferred so as to enable one of the courts to dispose of both the matters.

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 produced sufficient materials justifying transfer of the proceedings. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceeding in I.D.O.P.No.21 of 2015 is withdrawn from the file of Principal District Court at Chengelpet and is transferred to the file of Principal District Court, Cuddalore for disposal along with IDOP No.19 of 2015.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ajr

To

1.The Principal District Judge,
Chengelpet.

2.The Principal District Judge,
Cuddalore.

+1cc to Mr.D.Ravichander, Advocate, S.R.No.61783

Transfer C.M.P No.410 of 2015

GR(CO)
CA(24/11/2016)