

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.412 OF 2015

AND MP NO.1 OF 2015

Harini ... Petitioner

Versus

Muthukrishnan ... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to transfer the H.M.O.P.No.62 of 2015 filed by the respondent to the Family Court, Chennai for being tried along with Maintenance Case No.266 of 2015 filed by the petitioner claiming maintenance for her on the file of Family Court, Chennai.

For Petitioner : Mr.V.Kamal
For Respondent : Mr.P.Gunaraj

O R D E R

The respondent initiated a proceedings in H.M.O.P.No.62 of 2015 before the Family Court, Tirunelveli, praying for a decree of divorce.

2. The petitioner, on receipt of notice from the Trial Court, appears to have filed M.C.No.189 of 2015 before the III Additional Family Court, Chennai.

3. The petitioner has come up with this petition praying for an order of transfer the proceedings in H.M.O.P.No.62 of 2015 to the file of the III Additional Family Court, Chennai for joint disposal.

4. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

5. There are two proceedings now pending before two different Courts. The proceedings in H.M.O.P.No.62 of 2015 is pending before the Family Court at Tirunelveli. The proceedings in M.C.No.189 of 2015 is pending on the file of III Additional Family Court, Chennai. In case, these two proceedings are allowed to be prosecuted in 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 Civil Miscellaneous Petition deserves to be allowed.

6. Section 19(iii-a) of the Hindu Marriage Act, 1955, permits the wife to initiate matrimonial proceedings before the Court in whose jurisdiction she is residing at the time of institution of proceedings.

7. The proceedings H.M.O.P.No.62 of 2015 is withdrawn from the file of Family Court, Tirunelveli, and is transferred to the file of III Additional Family Court, Chennai, for disposal along with M.C.No.189 of 2015.

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

Sd/-
Asst.Registrar (CSV)

/true copy/

Sub Asst. Registrar

To

1.The Family Court
Tirunelveli.

2.The III Additional Family Court
Chennai.

+1 cc to Mr.P.Gunaraj,advocate,sr.63537.

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