

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.459 OF 2015

AND MP NO.1 OF 2015

N.Bhagyalakshmi

... Petitioner

Versus

S.Hemasundar

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw the H.M.O.P.No.11 of 2015 pending on the file of the Sub Court, Tiruttani and transfer the same to the file of the Sub Court, Hosur to be tried along with the H.M.O.P.No.61 of 2015.

For Petitioner : Mr.T.Balaji

For Respondent : Mr.S.Gowri Sankar

O R D E R

The petitioner preferred an Original Petition in H.M.O.P.No.61 of 2015, before the Sub Court, Hosur, for divorce.

2. The respondent, on the other hand, instituted a proceedings in H.M.O.P.No.11 of 2015, before the Sub Court at Tiruttani, for divorce. The petitioner has come up with this Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No.11 of 2015, from the file of Sub Court, Tiruttani, to the file of Sub Court, Hosur, for trial along with H.M.O.P.No.61 of 2015.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. There are two proceedings now pending before two different Courts. The prayer in both the Original Petitions are one and the same. The petitioner seeks divorce. The respondent also seeks divorce. 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.

5. The proceedings H.M.O.P.No.11 of 2015 is withdrawn from the file of Sub Court, Tiruttani, and is transferred to the file of Sub Court, Hosur, for disposal along with H.M.O.P.No.61 of 2015.

6. The learned Trial Judge is requested to dispose of the proceedings, as expeditiously as possible.

7. The Transfer Civil Miscellaneous Petition is allowed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

TK

To

1.The Subordinate Judge
Tiruttani.

2.The Subordinate Judge
Hosur.

+1 cc to Mrs.S.Kanimozhi Advocate sr 59343

+1 cc to Mr.G.Jeremiah Advocate sr 59405

TR CMP NO.459 OF 2015

lrs(co)

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