

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.472 OF 2015

AND MP NO.1 OF 2015

S.Fathima

... Petitioner

Versus

Feroz Khan

... Respondent

PRAYER: Petition filed under section 24 of the Code of Civil Procedure to withdraw the case of O.S.No.153 of 2014 on the file of the District Munsif Court, Poonamallee and transfer the same to the file of the District Munsif Court, Karur and consequently order to try along with the case filed in O.S.No.202 of 2015 on the file of the District Munsif Court, Karur.

For Petitioner : Mr.A.Sermaraj

O R D E R

The defendant in O.S.No.153 of 2014 on the file of the learned District Munsif, Poonamallee is the petitioner in this Transfer Civil Miscellaneous Petition.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondent in spite of printing his name in the cause list after service.

3. There are two proceedings now pending before two different Courts. The respondent filed O.S.No.153 of 2014 before the District Munsif Court, Poonamallee praying for a decree of declaration. The petitioner, on the other hand, filed Original Suit in O.S.No.202 of 2015 before the learned District Munsif, Karur, praying for a decree of mandatory injunction. Both the suits are now pending before the respective Courts.

4. The petitioner, who is a resident of Karur, has come up with this transfer petition, with a grievance that it would not be possible for her, to travel all along from Karur to Poonamallee, for the purpose of defending the proceedings in O.S.No.153 of 2014.

5. There is nothing on record to suspect the bonafides in filing this Transfer Civil Miscellaneous Petition. 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 The proceedings in O.S.No.153 of 2014 is withdrawn from the file of District Munsif Court, Poonamallee and is transferred to the file of District Munsif Court at Karur, for disposal along with O.S.No.202 of 2015.

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

Sd/-
Asst. Registrar

/ true copy /

Sub Assistant Registrar

TK

To

1.The District Munsif Court
Poonamallee.

2.The District Munsif Court
Karur.

1 cc to Mr.M.Easan, Advocate SR.No.58909

TR-CMP-NO.472 OF 2015

SAI(CO)
CS 12/11/2016

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