

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.686 of 2015 and

MP.No.1 of 2015

K.Matheswari ...Petitioner

versus

M.Nageswaran ...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw HMOP No.43 of 2015 from the Family Court at Sivagangai and transfer the same to the Principal Family Court, Chennai.

For Petitioner : Ms.G.Kalaivani
For Respondent : No appearance

O R D E R

The respondent in HMOP No.43 of 2014 on the file of Family Court at Sivagangai has come up with this transfer petition to transfer the proceedings from the Family Court, Sivagangai to the Family Court at Chennai.

2. There are two proceedings pending before two different courts. The proceedings in HMOP No.43 of 2015 initiated by the respondent under Section 9 of the Hindu Marriage Act is pending before the Family Court, Sivagangai. The petition filed by the petitioner herein for divorce in HMOP No.2619 of 2015 is pending before the Principal Family Court at Chennai. In case, two proceedings involving a common question 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 matters requires transfer.

3. 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.

4. The proceedings in H.M.O.P.No.43 of 2015 is withdrawn from the file of Family Court, Sivagangai and is transferred to the file of Principal Family Court, Chennai, for disposal along with HMOP No.2619 of 2015.

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

Sd/

Assistant Registrar CS -III

/True copy/

Sub Assistant Registrar

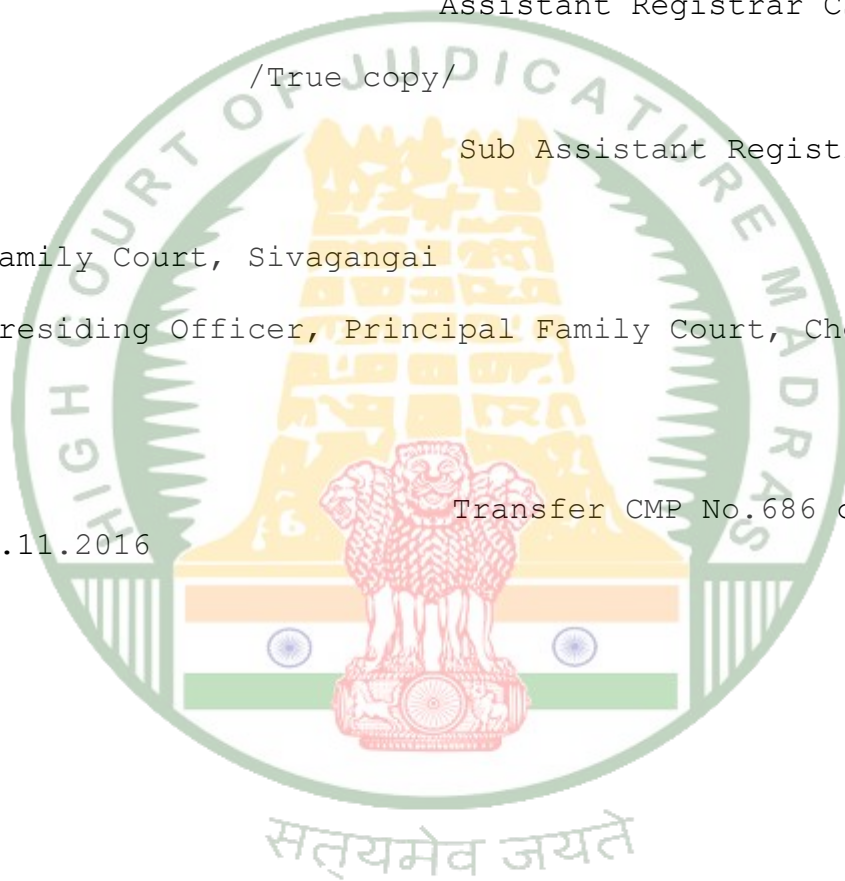
To

1.The Family Court, Sivagangai

2.The Presiding Officer, Principal Family Court, Chennai

Transfer CMP No.686 of 2015

SDR 12.11.2016



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