

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.738 of 2015 and

MP.No.1 of 2015

J.Sudha @ Sudharshanadevi

...Petitioner

versus

G.Rajendran

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the H.M.O.P.No.132 of 2015 on the file of the Principal Sub Court at Kumbakonam and transfer the same to the competent Court at Principal Family Court at Chennai {to be tried along with M.C.No.134 of 2013}.

For Petitioner : Ms.T.R.Thara

For Respondent : No appearance

O R D E R

The respondent in H.M.O.P.No.132 of 2015 on the file of Principal Sub Court, Kumbakonam, is the petitioner in this Transfer Petition.

2.The proceedings in H.M.O.P.No.132 of 2015, was instituted by the respondent before the Sub Court, Kumbakonam, praying for a decree of divorce. The petitioner on the other hand filed M.C.No.134 of 2013, before the Principal Family Court, Chennai, praying for maintenance. The proceedings are now pending before the respective Courts. The request of the petitioner is to withdraw H.M.O.P.No.132 of 2015, from the file of Sub-Court, Kumbakonam, and transfer the same to the file of Principal Court, Chennai.

3.Heard the learned counsel for the petitioner. None appears for the respondent, inspite of printing his name in the cause list, after service.

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.There are two proceedings pending before two different Courts. In case, 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 Transfer Petition deserves to be allowed.

6.The proceedings in H.M.O.P.No.132 of 2015 is withdrawn from the file of Principal Subordinate Court, Kumbakonam and is transferred to the file of Principal Family Court, Chennai, for disposal along with M.C.No.134 of 2013, on merits.

The Transfer CMP is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CSVII)

True Copy

Sub-Assistant Registrar

rpa

To

- 1.The Principal Sub Court at Kumbakonam
- 2.The Principal Family Court, Chennai.

+1 cc to M/s.T.R.Thara Advocate sr 58308

Transfer CMP No.738 of 2015

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