

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.739 OF 2015

AND MP NO.1 OF 2015

S.Santhiya

... Petitioner

Versus

V.Ram Kumar

... Respondent

PRAYER: Petition filed under section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.66 of 2015 pending on the file of Subordinate Court, Arani, Tiruvannamalai District and transfer the same to the file of II Additional Family Court, Chennai, for joint trial with M.C.No.66 of 2015.

For Petitioner : Ms.A.Bharathi

For Respondent : Mr.J.Ashok

O R D E R

The respondent initiated proceedings in H.M.O.P.No.66 of 2015 before the Sub Court at Arani, Tiruvannamalai District, praying for a decree of divorce.

2. The petitioner filed a Maintenance Case in M.C.No.377 of 2015 before the II Additional Family Court, Chennai. The petitioner filed this Transfer Civil Miscellaneous Petition for transfer of H.M.O.P.No.66 of 2015 from the file of Sub Court, Arani, Tiruvannamalai District to the file of II Additional Family Court at Chennai for disposal, along with M.C.No.377 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 proceedings is H.M.O.P.No.66 of 2015 is pending before the Sub Court, Arani, Tiruvannamalai District and the Maintenance Case initiated by the petitioner in M.C.No.377 of 2015 is pending on the file of II Additional Family Court, Chennai.

5. The petitioner, who is a resident of Chennai, has come up with this transfer petition with a grievance that it would not be possible for her, to defend the proceedings in H.M.O.P.No.66 of 2015, in case it is continued before the Sub Court, Arani, Tiruvannamalai District.

6. 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.

7. 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.

8. The proceedings in H.M.O.P.No.66 of 2015 is withdrawn from the file of Subordinate Court, Arani, Tiruvannamalai District and is transferred to the file of II Additional Family Court, Chennai, for disposal along with M.C.No.377 of 2015.

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

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

TK

To

- 1.The Sub Ordinate-Judge,
The Sub ordinate Court
Arani, Tiruvannamalai District.
- 2.The II Additional Principal Judge,
Family Court, Chennai.

TR CMP NO.739 OF 2015

MV(CO)
RVR 12/11/2016

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