

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.859 of 2015

M.Thangam

... Petitioner

versus

D.Annadurai

... Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the H.M.O.P.No.91 of 2015, on the file of the Principal Sub-Court, Kumbakonam and transfer the same to Sub Court, Ariyalur District.

For Petitioner : Mr.M.Sethuvarayar

For Respondent : No appearance

O R D E R

The respondent in H.M.O.P.No.91 of 2015, on the file of Principal Sub-Court, Kumbakonam, is the petitioner in this Transfer Petition.

2.The petitioner filed a Divorce Petition in H.M.O.P.No.59 of 2015, before the Sub Court, Ariyalur. The respondent filed a Petition for restitution of conjugal rights in H.M.O.P.No.91 of 2015, before the Principal Sub Court, Kumbakonam, invoking section 9 of the Hindu Marriage Act. The petitioner now seeks withdrawal of the proceedings from the file of Sub Court, Kumbakonam and transfer the same to the file of Sub-Court, Ariyalur.

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.The background facts indicate that the petitioner initiated the proceedings earlier and after receipt of notice, the respondent filed a Petition for restitution of conjugal rights in H.M.O.P.No.91 of 2015 before the Principal Sub Court, Kumbakonam.

5. There are two proceedings pending before two different Courts. 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 Transfer Petition deserves to be allowed.

6. The proceedings in H.M.O.P.No.91 of 2015, is withdrawn from the file of Principal Sub-Court, Kumbakonam and is transferred to the file of Sub-Court, Ariyalur, for disposal along with H.M.O.P.No.59 of 2015, on merits.

The Transfer CMP is allowed as indicated above. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rpa

To

1. The Principal Subordinate Judge,
Kumbakonam.

2. The Subordinate Judge,
Ariyalur District.

+1cc to Mr.R.Sethuvarayar, Advocate, S.R.No.58541

Transfer CMP No.859 of 2015

KK(CO)
CA(12/11/2016)

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