

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.453 of 2013 and

MP.No.1 of 2013

B.Sowjanya Kumari

...Petitioner

versus

G.Senthil Kumar

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the case in HMOP No.155 of 2012, on the file of the Principal Sub Judge at Chengalpattu and transfer the same to the Family Court at Chennai to be tried on merits.

For Petitioner : No appearance

For Respondent : Mr.S.Sugendran

O R D E R

The petitioner filed this transfer petition to withdraw the proceedings in HMOP No.155 of 2012 from the file of Principal Sub-Court at Chengalpattu and transfer the same to the Family Court at Chennai.

2. None appears on behalf of the petitioner.

3. Heard the learned counsel for the respondent.

4. The learned counsel for the respondent fairly submitted that he has no objection in transferring the matter to the I Additional Family Court at Chennai.

5. The proceedings in HMOP No.155 of 2012 was initiated by the respondent before the Principal Sub-Court at Chennai under Section 9 of the Hindu Marriage Act. The petitioner on the other hand filed a divorce petition before the I Additional Family Court in O.P.No.4107 of 2012. The present request is to transfer the proceedings to the I Additional Family Court at Chennai for disposal on merits.

6. There are two proceedings now pending before two different Courts. It would be in the interest of both parties to transfer the matter for disposal by a particular Court. I am therefore of the view that the proceedings now pending before the Principal Sub-Court at Chengalpattu requires to be transferred to the I Additional Family Court at Chennai.

7. Moreover, 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.

8. In the result, the proceedings in HMOP No.155 of 2012 is withdrawn from the file of Principal Sub-Court, Chengalpattu and is transferred to the file of First Additional Family Court, Chennai for disposal along with O.P.No.4107 of 2012.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Subordinate Judge,
Chengalpattu.

2.The Judge,
First Additional Family Court,
Chennai.

+1cc to Mr.S.Thiruvankadam, Advocate Sr.52274

+1cc to Mr.S.Sugendran, Advocate Sr.52433

Transfer CMP No.453 of 2013

gj ii[co]
srg 18/10/2016