

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.18 of 2016 and
CMP.No.267 of 2016

A.Mohanapriya

...Petitioner

versus

Jayabal

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw H.M.O.P.No.1394 of 2015 from the file of Additional District Family Court at Coimbatore and transfer the same to the file of Sub-court, Dharapuram.

For Petitioner : Mr.D.Krishnakumar

For Respondent : No appearance

O R D E R

The petitioner filed original proceedings in HMOP No.129 of 2015 before the Sub-court at Dharapuram. It was filed for a decree of divorce. The respondent, on the other hand filed a petition in HMOP No.1394 of 2015 before the Additional District Family Court at Coimbatore, praying for a decree under Section 9 of the Hindu Marriage Act.

2. The petitioner has come up with this petition to transfer the proceedings in HMOP No.1394 of 2015 from the file of Additional Family Court at Coimbatore to the file of Sub-Court, Dharapuram for trial along with HMOP No.129 of 2015.

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

4. There are two proceedings now pending before two different Courts. The petition for divorce filed by the petitioner is pending before the Sub-Court at Dharapuram. The proceedings initiated by the respondent under Section 9 of the Hindu Marriage Act is pending on the file of Additional District Family Court at Coimbatore. In case, these two proceedings are taken up by 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.

5. The proceedings in H.M.O.P.No.1394 of 2015 is withdrawn from the file of Additional District Family Court, Coimbatore and is transferred to the file of Sub-Court, Dharapuram for disposal along with HMOP No.129 of 2015.

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

svki

Sd/-
Assistant Registrar
/TRUE COPY/
Sub-Assistant Registrar

To

1.The Additional District Family Court,
Coimbatore

2.The Sub-Court,
Dharapuram

+1CC to MR.S.SARAVANAN Advocate SR.NO.61881

Transfer CMP No.18 of 2016

KS[CO]
MK:18/11/2016

सत्यमेव जयते
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