

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.353 of 2016 and
CMP.No.9531 of 2016

Manju @ Geetha

...Petitioner

versus

Tamilarasan

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw HMOP No.57 of 2015 on the file of Principal Sub-Court, Villupuram and transfer the same to the file of Principal Sub-Court, Cuddalore.

For Petitioner : Mr.R.Gururaj
For Respondent : No appearance

O R D E R

The respondent initiated a proceedings in HMOP No.57 of 2015 against the petitioner before the Principal Sub-Court, Villupuram, praying for a decree of divorce. The petitioner, on the other hand, filed HMOP No.124 of 2015 before the Principal Sub-Court at Cuddalore, praying for a decree under Section 9 of the Hindu Marriage Act. The petitioner has come up with this petition for transfer of the proceedings from the file of Principal Sub-Court at Villupuram to the file of Principal Sub-Court at Cuddalore, for disposal along with HMOP No.124 of 2015.

2. 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.

3. There are two proceedings now pending between the parties. The proceedings in HMOP No.57 of 2015 for divorce is pending before the Principal Sub-Court at Villupuram. The proceedings initiated by the petitioner under Section 9 of the Hindu Marriage Act is pending on the file of Principal Sub-Court at Cuddalore. In case, these 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.

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. The petitioner is residing at Kurinjipadi Taluk in the district of Cuddalore with her two years old child. According to the petitioner, there is nobody to take care of the minor child. It is the grievance of the petitioner that it would be difficult for her to travel all along from Cuddalore to Villupuram for the purpose of defending the proceedings in HMOP No.57 of 2015.

6. The petitioner has produced sufficient materials justifying her request for transfer. I am therefore of the view that the transfer petition deserves to be allowed.

7. The proceedings in H.M.O.P.No.57 of 2015 is withdrawn from the file of Principal Sub-Court, Villupuram and is transferred to the file of Principal Sub-Court, Cuddalore for disposal along with H.M.O.P.No.124 of 2015.

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

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

svki

To

1.The Principal Sub-Judge, Villupuram

2.The Principal Sub-Judge, Cuddalore

+ 1 cc to Mr.R. Gururaj, Advocate SR.63043

Transfer CMP No.353 of 2016

NR(CO)

Eu 07.12.16