

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.10.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K. SASIDHARAN

Transfer C.M.P.No.356 of 2016
and
C.M.P. No. 9659 of 2016

R.Suganthi

... Petitioner

Vs

G.Bala Ganesh

... Respondent

Prayer: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the H.M.O.P.No.87 of 2015 pending on the file of the Subordinate Court, Sivakasi and transfer the same to the Family Court at Chennai to try along with O.P.No.1847 of 2015.

For Petitioner : Ms.S.P.Arthi

For Respondent : No appearance

ORDER

The petitioner filed this Transfer Civil Miscellaneous Petition to withdraw proceedings in H.M.O.P.No.87 of 2015 pending on the file of the Sub Court, Sivakasi and transfer the same to the file of Family Court, Chennai for trial along with O.P.No.1847 of 2015.

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

3.The respondent initiated a proceeding in H.M.O.P.No.87 of 2015 before the Sub Court, Sivakasi, praying for a decree of divorce. The petitioner on the other hand filed a petition in O.P.No.1847 of 2015 before the Family Court, Chennai, under Section 9 of the Hindu Marriage Act. Both the proceedings are pending before the respective Courts.

4.The petitioner has come up with this transfer petition with a grievance that it would be difficult for her to appear

before the Sub Court, Sivakasi, in case the proceeding in H.M.O.P.No.87 of 2015 is allowed to continue there. There is nothing on record to suspect the bonafides in filing this transfer petition.

5.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6.The proceeding in H.M.O.P.No.87 of 2015 is withdrawn from the file of Sub Court, Sivakasi and is transferred to the file of Family Court, Chennai, for disposal on merits.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

jbm

To

1. The Sub Court,
Sivakasi.
2. The Family Court,
Chennai.

+1cc to Mr.D.Thirumoorthy, Advocate, S.R.No.56911

Tr.C.M.P.No.356 of 2016
and
C.M.P. No. 9659 of 2016

SKV(CO)
CA(26/10/2016)

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