

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

Tr.C.M.P.No.43 of 2016 and C.M.P.No.879 of 2016
& 880 of 2016

D.Vijayakumar

... Petitioner

vs.

V.Kokilavani

...Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.222 of 2015 on the file of Sub Court, Tambaram and transfer the same to Principal District Court, Chengalpet to be tried along with S.M.O.P.No.8 of 2015 on its file.

For Petitioner : Ms.R.Meenal

For Respondent : Ms.A.Sumathy

O R D E R

The petitioner is the husband and the respondent is his wife. The respondent has filed two cases, namely S.M.O.P.No.8/2015 on the file of District Court, Chengalpattu for annulment of marriage. She also chose to file H.M.O.P.No.222 of 2015 on the file of Sub Court, Tambaram, for divorce. The invocation of the provisions under Special Marriage Act, 1954 and also the Hindu Marriage Act, 1955 simultaneously is not proper and they will be mutually exclusive. Still, since the petition has been filed for transfer of one of the two cases to the other court to have both the cases tried together, this court need not go into the question of maintainability of the OPs, because both the OPs were filed by the respondent herein. The petitioner has sought for an order transferring H.M.O.P.No.222 of 2015 from Sub Court, Tambaram to District Court, Chengalpattu to be tried along with S.M.O.P.No.8 of 2015.

2. The learned counsel for the respondent submits that the respondent does not have any objection for such transfer. An endorsement to that effect has been made. The endorsement is recorded and the transfer civil miscellaneous petition is allowed. H.M.O.P.No.222 of 2015 is withdrawn from the file of

Sub Court, Tambaram to the file of District Court, Chengalpattu to be tried along with S.M.O.P.No.8 of 2015. However, there shall be no order as to cost. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

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Sub Assistant Registrar

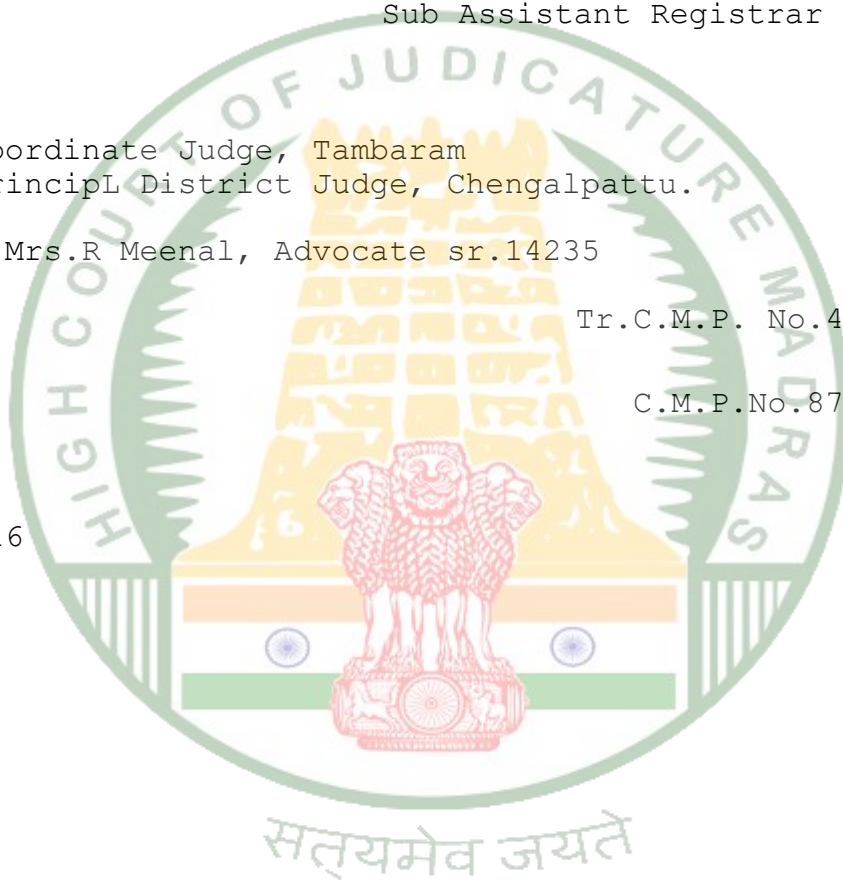
asr
To

- 1) The Subordinate Judge, Tambaram
- 2) The PrincipL District Judge, Chengalpattu.

+ 1 cc to Mrs.R Meenal, Advocate sr.14235

Tr.C.M.P. No.43 of 2016
and
C.M.P.No.879 of 2016

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