

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.430 of 2016 and

CMP.Nos.11564 and 11565 of 2016

M.M.Chitra

...Petitioner

versus

G.Chinna Ganesh

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw HMOP No.437 of 2015 from the file of Family Court, Trichy and transfer to the file of Family Court at Salem to be tried along with FCOP No.620 of 2015.

For Petitioner : Mr.A.Sakthivel

For Respondent : No appearance

O R D E R

The respondent initiated proceedings for restitution of conjugal rights in HMOP No.437 of 2015 before the Family Court at Trichy. The petitioner, on the other hand filed FCOP No.620 of 2015 before the Family Court at Salem, praying for a decree of divorce. The petitioner is now before this Court with a request to transfer the proceedings in HMOP No.437 of 2015 to the Family Court at Salem.

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 before two different Courts. The proceedings initiated by the petitioner for divorce is pending before the Family Court at Salem. The connected proceedings initiated by the respondent for Restitution of Conjugal rights is pending before the Family Court at Trichy. 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.

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. There is nothing on record to suspect the bonafides in filing this transfer petition. I am therefore of the view that the petitioner has made out a case for transfer.

6. The proceedings in H.M.O.P.No.437 of 2015 is withdrawn from the file of Family Court, Trichy and is transferred to the file of Family Court, Salem, for disposal along with F.C.O.P.No.620 of 2015.

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

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

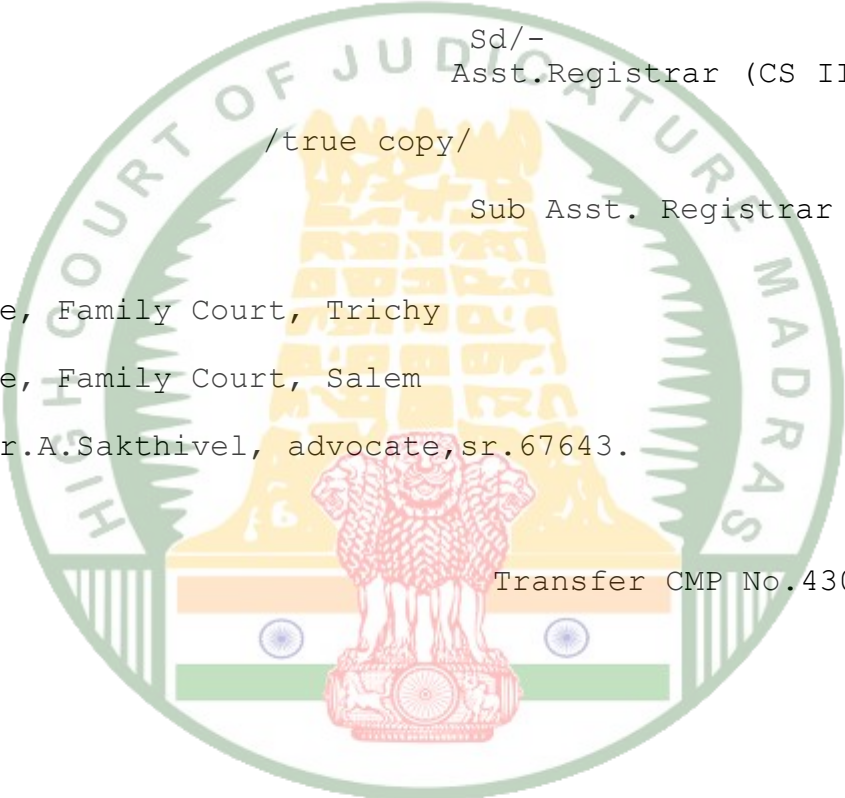
1.The Judge, Family Court, Trichy

2.The Judge, Family Court, Salem

+1 cc to Mr.A.Sakthivel, advocate,sr.67643.

sk(co)
krd 14/12

Transfer CMP No.430 of 2016



सत्यमेव जयते

WEB COPY