

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.462 of 2016 and
CMP.No.12552 of 2016

Ganga Devi

...Petitioner

versus

M.Vidhyasagar

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw H.M.O.P.No.158 of 2015 on the file of Subordinate Court at Palani and transfer the same to the file of Principal Family Court of Coimbatore.

For Petitioner : Mr.R.Amburosh

For Respondent : No appearance

O R D E R

The respondent in HMOP No.158 of 2015 on the file of Sub-court at Palani has come up with this petition for transfer.

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. The respondent initiated original proceedings in HMOP No.158 of 2015 before the Sub-Court at Palani, praying for a decree under Section 9 of the Hindu Marriage Act. The petitioner, thereafter, filed HMOP No.598 of 2016 before the Family Court at Coimbatore, praying for a decree of divorce.

4. The petitioner has come up with this petition to transfer the proceedings in HMOP No.158 of 2015 from the file of Sub-Court at Palani to the file of Principal Family Court, Coimbatore for trial along with HMOP No.598 of 2016.

5. There are two proceedings now pending before two different Courts. 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.

6. 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.

7. 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.

8. The proceedings in H.M.O.P.No.158 of 2015 is withdrawn from the file of Sub-Court, Palani and is transferred to the file of Principal Family Court, Coimbatore for disposal along with HMOP No.598 of 2016.

9. 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 Sub-Court,
Palani

2.The Principal Family Court,
Coimbatore

+1CC to MR.R.AMBUROSH Advocate SR.NO.62579

Transfer CMP No.462 of 2016

KS[CO]
MK:18/11/2016

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