

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.463 of 2016 and

CMP.No.12553 of 2016

Kalai Chitra

...Petitioner

versus

K.Saravanan

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw the case in HMOP No.47 of 2016 on the file of Subordinate Judge at Kancheepuram and transfer the same to I Additional Family Court at Chengalpattu to be tried on merits.

For Petitioner : Mr.G.K.Loganathan

For Respondent : Mr.K.Balaji

O R D E R

The respondent initiated proceeding in HMOP No.47 of 2016 before the Sub-Court at Kancheepuram invoking Section 9 of the Act. The petitioner, on the other hand filed FCOP No.591 of 2016 before the Family Court at Chengalpattu, praying for a decree of divorce. The petitioner has now come up with this transfer petition for withdrawal of the proceedings in HMOP No.47 of 2016 from the file of Sub-Court, Kancheepuram and transfer the same to the file of I Additional Family Court at Chengalpattu.

2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

3. The learned counsel for the respondent submitted that without admitting the allegations and averments found in the affidavit filed in support of the transfer petition, the respondent is agreeable for transfer of the proceedings, provided, both the matters are taken up together.

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 are two proceedings now pending before two different courts. 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. Moreover, the respondent has no serious objection in transferring the proceedings. I am

therefore of the view that the transfer petition deserves to be allowed.

6. The proceedings in H.M.O.P.No.47 of 2016 is withdrawn from the file of Subordinate Court, Kancheerapuram and is transferred to the file of I Additional Family Court, Chengalpattu, for disposal along with F.C.O.P.No.591 of 2016.

7. This order of transfer is made without admitting the allegations made against the respondent by the petitioner.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

svki

To

1.The Subordinate Judge Kancheepuram

2.The Judge

The I Additional Family Court,
Chengalpet

+1 cc to M/s.G.K.Loganathan Advocate sr 65903

+1 cc to M/s.K.Balaji Advocate sr 65586

Transfer CMP No.463 of 2016

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