

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.528 of 2016 and

CMP.No.14171 of 2016

A.Revathy

...Petitioner

versus

G.Saravanaprabhu

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw HMOP No.62 of 2015 on the file of Sub-Court, Bhavani and transfer the same to the Sub-Court at Dharmapuri to be tried along with HMOP No.45 of 2016 on the file of Sub-Court, Dharmapuri.

For Petitioner : Mr.M.Selvam

For Respondent : No appearance

O R D E R

The respondent in HMOP No.62 of 2015 on the file of Sub-Court, Bhavani is the petitioner in this transfer petition.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondent inspite of printing the name of counsel in the cause list.

3. The proceedings initiated by the respondent for divorce in HMOP No.62 of 2015 is pending before the Sub-Court, Bhavani. The other proceedings in HMOP No.45 of 2016 initiated by the petitioner for restitution of conjugal rights is pending before the Sub-Court, Dharmapuri. 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.

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. The petitioner has produced sufficient materials to justify her request for transfer. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceedings in H.M.O.P.No.62 of 2015 is withdrawn from the file of Sub-Court, Bhavani and is transferred to the file of Sub-Court, Dharmapuri, for disposal along with

H.M.O.P.No.45 of 2016.

7. 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

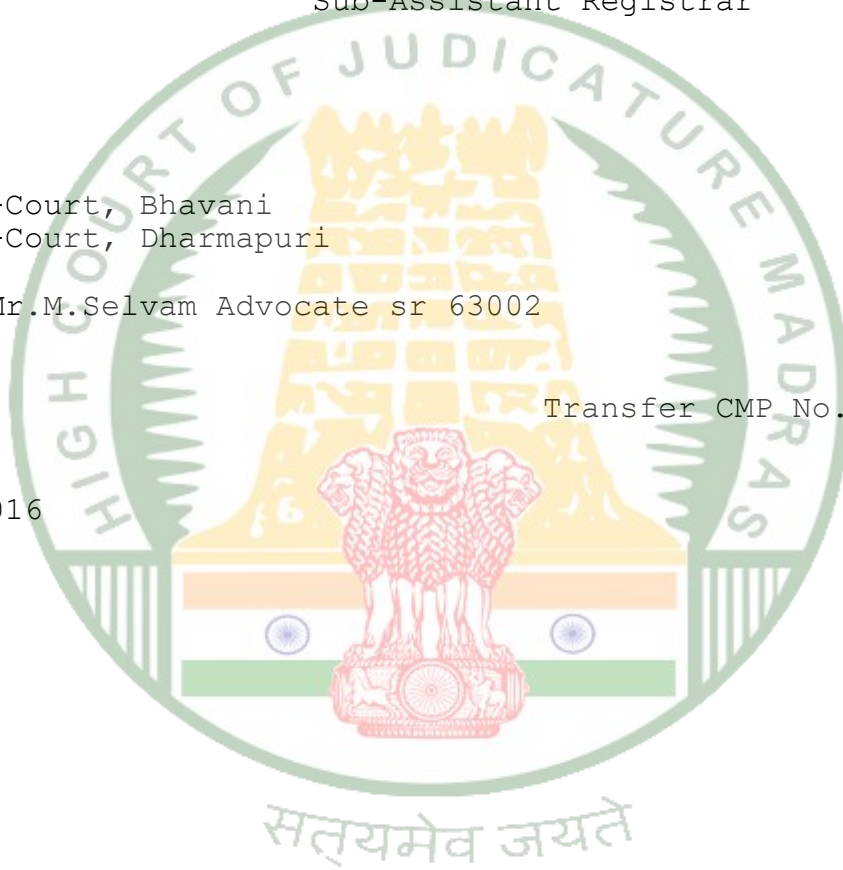
To

- 1.The Sub-Court, Bhavani
- 2.The Sub-Court, Dharmapuri

+1 cc to Mr.M.Selvam Advocate sr 63002

Transfer CMP No.528 of 2016

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