

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

Transfer C.M.P.No.520 of 2016

And

C.M.P.No.13959 of 2016

A.R.Subhashini ... Petitioner

Versus

B.A.Bharath .... Respondent

This Petition filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No. 75 of 2016 on the file of the Subordinate Judge, Hosur and transfer the same to the file of the Sub Court, Poonamallee, to be tried along with H.M.O.P.No. 397 of 2016.

For Petitioner : Mr.S.Silambu Selvan

For Respondent : No appearance

O R D E R

The respondent in H.M.O.P.No. 75 of 2016 on the file of the Subordinate Judge, Hosur is the petitioner in the transfer petition.

2. The respondent filed H.M.O.P.No.75 of 2016 before the Subordinate Judge, Hosur, praying for a decree of divorce. The petitioner, on the other hand, filed H.M.O.P.No.397 of 2016 invoking Section 9 of the Hindu Marriage Act before the Sub Court, Poonamallee. The present request is to transfer the proceedings to the file of Sub Court, Poonamallee, for trial along with H.M.O.P.No. 397 of 2016.

3. 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.

4. There are two proceedings pending between the parties. The proceedings in H.M.O.P.No. 75 of 2016 filed for a decree of divorce is pending on the file of Subordinate Judge, Hosur. The petition filed by the petitioner for restitution of conjugal

rights is pending on the file of Sub Court, Poonamallee. In case, the proceedings are taken by two different Courts, it would lead to passing contradictory orders. Even otherwise, the petitioner has demonstrated that it would not be possible for her to travel from Poonamallee to Hosur for the purpose of prosecuting the proceedings in H.M.O.P.No. 75 of 2016. I am therefore of the view that the petitioner has made out a case for transfer.

5. In the result, the proceedings in H.M.O.P.No. 75 of 2016 is withdrawn from the file of Subordinate Judge, Hosur and is transferred to the file of Sub Court, Poonamallee, for disposal along with H.M.O.P.No. 397 of 2016.

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

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Judge,  
Hosur.
2. The Sub Court,  
Poonamallee.

+1cc to Mr.Silambuselvan, Advocate Sr.53826

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gj[col]  
srg 21/10/2016