

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.525 of 2016 and

CMP.No.14122 of 2015

Sangeetha ...Petitioner/Respondent

versus

Balasubramaniam ...Respondent/Petitioner

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw FCOP No.261 of 2016 on the file of Family Court, Salem and transfer the same to the Sub-Court, Sankari to be tried along with OS.No.81 of 2016.

For Petitioner : Mr.P.Jagadeesan
For Respondent : Mr.R.Nalliyappan

O R D E R

The respondent in FCOP No.261 of 2016 on the file of Family Court, Salem is the petitioner in this transfer petition.

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

3. The respondent instituted proceedings in FCOP.No.261 of 2016 before the Family Court, Salem, praying for a decree of divorce. The petitioner on the other hand filed O.S.No.81 of 2016 before the Sub-Court, Sankari claiming maintenance. The petitioner has come up with this petition to transfer the proceedings to the file of Sub-Court at Sankari.

4. The petitioner is stated to be a permanent resident of Sankari. According to the petitioner, it would not be possible for her to appear before the Family Court at Salem on all the dates of hearing. There is nothing on record to disbelieve the case pleaded by the petitioner in the transfer petition.

5. 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.

6. There are two proceedings now pending before two different Courts. It would be in the interest of both the parties to take up the matters by a particular Court, instead of prosecuting the matters before two different courts. I am therefore of the view that the petitioner has made out a case for transfer.

7. The proceedings in F.C.O.P.No.261 of 2016 is withdrawn from the file of Family Court, Salem and is transferred to the file of Sub-Court, Sankari for disposal along with O.S.No.81 of 2016.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki

To

1. The Family Court Judge, Salem
2. The Subordinate Judge, Sankari.

+1 CC to Mr. P. Jagadeesan, Advocate Sr.No.55889

Transfer CMP No.525 of 2016

SR (CO)

MD : 24/10/2016

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