

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2016

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Tr.CMP.No.534/2016 & CMP.No.14320/2016

G.Lakshmi

.. Petitioner

Vs.

Al.G.K.Govindan

.. Respondent

Transfer Petition filed under section 24 of Code of Civil Procedure to withdraw the petition in HMOP No.510/2016 on the file of the Family Court, Chennai and transfer the same to Sub Court, Devakottai to be tried along with OP No.203/2015.

For Petitioner : Mrs.Al.Gandhimathi

For Respondent : No appearance

ORDER

The petitioner filed proceedings in OP NO.203/2015 before the Sub Court, Devakottai, praying for a decree under section 9 of the Hindu Marriage Act. The respondent, on the other hand, filed HMOP No.510/2016 before the Family Court at Chennai, praying for a decree of divorce. The request of the petitioner now, is to transfer the proceedings in HMOP No.510/2016 to the Sub Court, Devakottai, to be tried along with OP.No.203/2015.

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 There are two proceedings now pending before two different Courts. The proceedings in OP.No.203/2015 is pending before the Sub Court, Devakottai. Similarly, the petition filed by the respondent for divorce in HMOP No.510/2016, is pending before the Family Court, Chennai. In case, these two proceedings are taken up for disposal by two different Courts, there is a possibility of passing contradictory orders in the very same subject matter.

4 Moreover, 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 the institution of the proceedings.

5 The petitioner has produced sufficient materials to demonstrate that it would be difficult for her to appear before the Court at Chennai, for the purpose of defending the proceedings in HMOP NO.510/2016. I am therefore, of the view that the Transfer Petition deserves to be allowed.

6 In the result, the proceedings in HMOP No.510/2016 is withdrawn from the file of the Family Court, Chennai and is transferred to the Sub Court, at Devakottai for trial along with OP No.203/2015.

7 The Transfer Petition is allowed as indicated above. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

AP

To

1.The Judge, Sub Court, Devakottai.

2.The Judge, Family Court, Chennai.

+1 CC to M/S.A.L.Ganthimathi, Advocate SR.No.56197

CO-SAI

ths : 24.10.2016

सत्यमेव जयते

Tr.CMP.No.534/2016

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