

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.553 of 2016 and  
CMP.No.15083 of 2016

Mangaiyarkarasi ...Petitioner/Respondent

versus  
M.D.Balasubramaniam ...Respondent/Petitioner

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw the HMOP.No.265 of 2015 on the file of Subordinate Court, Karur and to transfer the same to the Subordinate Court, Dharapuram to try along with HMOP No.22 of 2016.

For Petitioner : Mr.R.Prabakar  
For Respondent : No appearance

O R D E R

The respondent initiated proceedings in HMOP No.265 of 2015 before the Sub-Court, Karur, praying for a decree of divorce. The petitioner, on the other hand, filed HMOP No.22 of 2016 under Section 9 of the Hindu Marriage Act before the Sub-Court at Dharapuram. The petitioner has now come up with this petition to transfer the proceedings in H.M.O.P.No.265 of 2015 to the file of Sub-Court, Dharapuram for disposal along with HMOP No.22 of 2016.

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. In case, 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. It would be in the interest of both the parties to take up these two proceedings by a particular Court instead of dragging the parties to two different Courts. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceedings in H.M.O.P.No.265 of 2015 is withdrawn from the file of Sub-Court, Karur and is transferred to the file of Sub-Court, Dharapuram, for disposal along with HMOP No.22 of 2016.

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

Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

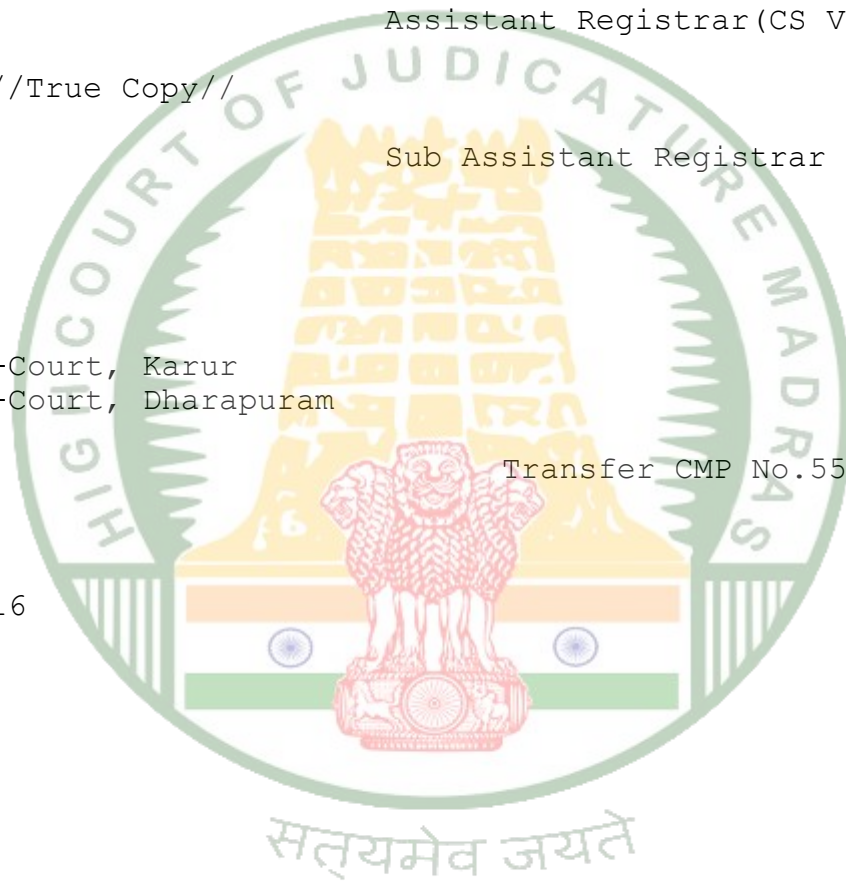
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To

- 1.The Sub-Court, Karur
- 2.The Sub-Court, Dharapuram

Transfer CMP No.553 of 2016

RV(CO)  
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