

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.563 of 2016 and

CMP.No.15285 of 2016

S.Amaravathy

...Petitioner

versus

J.Sudhakar

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw HMOP No.4410 of 2015 pending on the file of III Additional Family Court, Chennai and transfer the same to the file of Family Court, Thiruvallur to be tried along with HMOP No.95 of 2016 pending on the file of Family Court, Thiruvallur.

For Petitioner : Mr.T.Dharmarajan

For Respondent : No appearance

O R D E R

The respondent in HMOP No.4410 of 2015 on the file of III Additional Family Court at Chennai is the petitioner in this transfer petition.

2. The respondent filed HMOP No.4410 of 2015 before the III Additional Family Court at Chennai, praying for a decree under Section 9 of the Hindu Marriage Act. The petitioner, on the other hand, filed HMOP.No.95 of 2016 before the Family Court, Thiruvallur, praying for a decree of divorce. The transfer petition is filed to transfer the proceedings from the III Additional Family Court, Chennai to the Family Court at Thiruvallur for disposal.

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 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.

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

7. The proceedings in H.M.O.P.No.4410 of 2015 is withdrawn from the file of III Additional Family Court, Chennai and is transferred to the file of Family Court, Thiruvallur, for disposal along with H.M.O.P.No.95 of 2016.

8. 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

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To

1.The Judge
III Additional Family Court, Chennai

2.The Judge
Family Court, Thiruvallur

+1 cc to M/s.T.Dharmarajan Advocate sr 64832

Transfer CMP No.563 of 2016

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