

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.577 of 2016 and

CMP.No.15834 of 2016

Loyola Rooba Rani

...Petitioner

versus

Ambrose

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw IDOP No.21 of 2016 on the file of Principal District Court, Tiruchirapalli and transfer the same to the file of Principal District Court, Tiruppur to be tried along with IDOP No.78 of 2016.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : No appearance

O R D E R

The petitioner filed a petition in IDOP No.78 of 2016 before the Principal District Court, Tiruppur, praying for a decree under Section 9 of the Hindu Marriage Act. The respondent, on the other hand filed a petition in IDOP No.21 of 2016 before the Principal District Court, Tiruchirapalli, praying for a decree of divorce. The petitioner has now come up with this petition for transfer of the proceedings in IDOP No.21 of 2016 to the Principal District Court at Tiruppur for disposal along with IDOP No.78 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. The petitioner has produced sufficient materials to justify her request for transfer. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceedings in I.D.O.P.No.21 of 2016 is withdrawn from the file of Principal District Court, Tiruchirapalli and is transferred to the file of Principal District Court, Tiruppur, for disposal along with I.D.O.P. No.78 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 VII)

//True Copy//

Sub Assistant Registrar

svki

To

1.The Principal District Judge,  
Tiruchirapalli.

2.The Principal District Judge,  
Tiruppur.

+1cc to Mr.Govi Ganesan, Advocate sr.61416

Transfer CMP No.577 of 2016

mg[co]  
srg 30/11/2016