

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.594 of 2016 and

CMP No.16242 of 2016

K.Suganya

...Petitioner

versus

S.Sasindrakumar

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw MOP No.82 of 2016 pending on the file of Family Court, Pondicherry and transfer the same to Sub-Court, Poonamallee to be tried along with HMOP No.153 of 2016 pending on the file of Sub-Court, Poonamallee.

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

O R D E R

The petitioner instituted a proceedings in H.M.O.P.No.153 of 2016 before the Sub-Court, Poonamallee, praying for a decree under Section 9 of the Hindu Marriage Act. The respondent, on the other hand, filed MOP No.82 of 2016 before the Family Court, Pondicherry, praying for a decree of divorce. The petitioner now seeks transfer of the proceedings in MOP No.82 of 2016 for joint trial along with HMOP No.153 of 2016.

2. Heard the learned counsel for the petitioner. None appears for the respondent in spite of printing his name in the cause list after service.

3. There are two proceedings pending before two different Courts. The proceedings initiated by the petitioner is pending on the file of Sub-Court, Poonamallee. The connected proceedings in MOP No.82 of 2016 filed by the respondent is pending on the file of Family Court at Pondicherry. In case, these two proceedings are permitted to be taken up by two different Courts, there is every 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 justifying her request for transfer. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceedings in M.O.P.No.82 of 2016 is withdrawn from the file of Family Court, Pondicherry and is transferred to the file of Sub-Court, Poonamallee, for disposal along with HMOP No.153 of 2016.

7. 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

To

1.The Judge Family Court, Pondicherry

2.The Sub-Judge Poonamallee

+1 cc to M/s.R.Santhanam Advocate sr 62445

Transfer CMP No.594 of 2016

rp(co)

aa29/11/2016

सत्यमेव जयते

WEB COPY