

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.596 of 2016 and

CMP No.16245 of 2016

Dr.C.Anandhi

...Petitioner

versus

1.Dr.R.K.Ananthakrishnan

2.The Inspector of Police,
Puthu Nagar Police Station,
Cuddalore.

...Respondents

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the proceedings in GWOP No.59 of 2016 on the file of Principal District Court, Thanjavur and transfer the same to the file of the Family Court, Pondicherry to be tried along with MOP No.354 of 2016.

For Petitioner : Mr.M.Devaraj
For Respondents : No appearance

O R D E R

The first respondent initiated proceedings in GWOP No.59 of 2016 before the Principal District Court, Thanjavur. The connected proceedings in MOP No.354 of 2016 under Section 9 of the Hindu Marriage Act is pending before the Family Court, Pondicherry, pursuant to the order in Tr.Cmp.No.254 of 2015. The petitioner, now seeks withdrawal of the proceedings in GWOP No.59 of 2016 and transfer the same to the Family Court at Pondicherry for joint trial along with MOP No.354 of 2016.

2. Heard the learned counsel for the petitioner. None appears for the respondents in spite of printing their names in the cause list after service.

3. The matrimonial proceedings between the parties is now pending on the file of Family Court, Pondicherry in MOP No.354 of 2016. The guardian original petition filed by the respondent is pending on the file of Principal District Court, Thanjavur. The petitioner is correct in her contention that it would be in the interest of both the parties to take up the Guardian OP by the Family Court at Pondicherry, wherein, the matrimonial proceedings in MOP No.354 of 2016 is pending.

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 The proceedings in G.W.O.P.No.59 of 2016 is withdrawn from the file of Principal District Court, Thanjavur and is transferred to the file of Family Court, Pondicherry, for disposal along with M.O.P.No.354 of 2016.

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

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

- 1.The Principal District Court, Thanjavur
- 2.The Family Court, Puducherry
- 3.The Inspector of police,
Pudhu Nagar Police Station, Cuddalore.

+1 cc to Mr.M.Devaraj,advocate,sr.62368.

ssi(co)
krd 25/11

Transfer CMP No.596 of 2016

सत्यमेव जयते

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