

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.61 of 2016 and
CMP.No.1200 of 2016

Venkatesan Subashini

...Petitioner

versus

Ravinandhanan Manikandan @ Karthigai Babu

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the MOP.No.4 of 2015 on the file of the Family Court Judge, Pondicherry and transfer the same to the file of II Additional Family Court, Chennai.

For Petitioner : Ms.Sudha Ramalingam

For Respondent : No appearance

O R D E R

The respondent initiated a proceedings for divorce in MOP.No.4/2015 before the Family Court, Pondicherry.

2. The petitioner, on the other hand, filed FCOP.No.3069/2015 before the II Additional Family Court, Chennai, praying for a decree under Section 9 of the Hindu Marriage Act, 1955.

3. The petitioner is before this Court with a request to transfer the proceedings in M.O.P.No.4/2015.

4. 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.

5. There are two proceedings now pending before two different courts. The proceedings for divorce initiated by the respondent is pending before the Family Court, Pondicherry in MOP.No.4 of 2015. The proceedings in FCOP.No.3069 of 2015 filed by the petitioner is pending before the II Additional Family Court, Chennai.

6. The petitioner is a permanent resident of Saligramam, Chennai. According to the petitioner, it would not be possible for her to travel from Chennai to Pondicherry for the purpose of defending the proceedings in MOP.No.4/2015. There is nothing on record to suspect the bonafies in the version given by the petitioner.

7. Moreover, 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.

8. 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. I am therefore of the view that the petitioner has made out a case for transfer.

9. The proceedings in MOP.No.4 of 2015 is withdrawn from the file of Family Court Judge, Pondicherry and is transferred to the file of II Additional Family Court at Chennai, for disposal along with FCOP.No.3069 of 2015.

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

Tsi

Sd/-

Assistant Registrar (J)

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सत्यमेव जयते

Sub-Assistant Registrar

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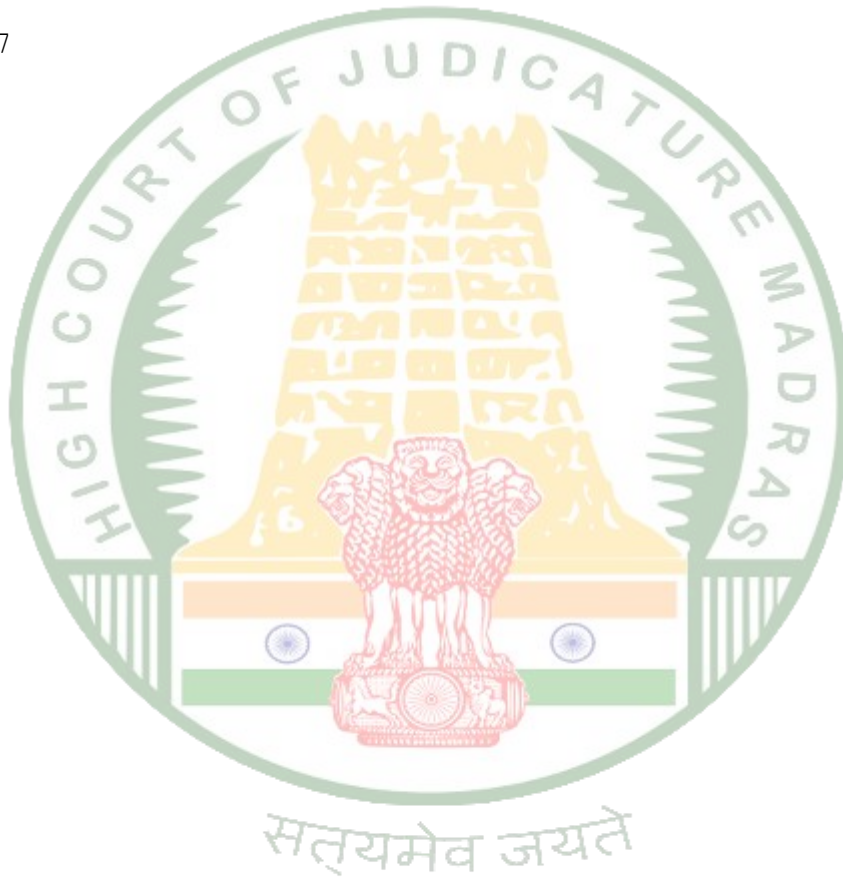
To
1.The Judge,
The Family Court,
Pondicherry.

2.The Judge,
The II Additional Family Court,
Chennai.

+1CC to Ms.SUDHA RAMALINGAM Advocate SR.NO.68394

Transfer CMP No.61 of 2016

KGK[CO]
MK:02/01/2017



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