

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2016

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Tr.C.M.P. No.624 of 2016
and
C.M.P.No.16759 of 2016

Prasanna Kumari @Shrivintha

.. Petitioner

vs.

L.Venkatesan

.. Respondent

Tr.C.M.P. filed under section 24 of C.P.C., praying to withdraw the case in HMOP No.61 of 2016 on the file of the Principal Subordinate Court, Tindivanam, transfer the same to the Subordinate Court, Tambaram, to be tried along with HMOP No.501 of 2016 on the file of the Subordinate Court, Tambaram.

For petitioner : Mr.C.K.M.Appanji

For respondent: No appearance

O R D E R

The respondent initiated proceedings for divorce in HMOP No.61 of 2016 before the Principal Subordinate Court, Tindivanam. The petitioner, on the other hand, initiated proceedings for divorce in HMOP No.501 of 2016 before the Subordinate Court at Tambaram. The petitioner is before this Court with a request to withdraw the proceedings in HMOP No.61 of 2016 pending before the Principal Subordinate Court at Tindivanam.

2. Head the learned counsel for the petitioner. None appears on behalf of the respondent inspite of printing his name in the cause list after service.

3. There are two proceedings pending before two different Courts. In both the proceedings, the prayer is to grant a decree of divorce. In case, these two proceedings involving a common question is allowed to be prosecuted before 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.

6. In the result, the proceedings initiated by the respondent in HMOP No.61 of 2016 is withdrawn from the file of Principal Subordinate Court, Tindivanam and is transferred to the file of Subordinate Court at Tambaram, for disposal along with HMOP No.501 of 2016.

7. The Transfer Petition is allowed as indicated above. No costs. Connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

asvm

To:

1.The Principal Subordinate Judge,
Tindivanam.

2.The Subordinate Judge,
Tambaram.

+1cc to Mr.C.K.M.Appaji, Advocate, S.R.No.70902

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RP (CO)
MA (28/12/2016)

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