

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.632 of 2016 and
CMP.No.16860 of 2016

P.Uma Maheswari

...Petitioner

versus

G.Kumar

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw HMOP No.113 of 2016 pending on the file of District Subordinate Court, Theni and transfer the same to the file of II Additional Judge, Family Court, Chennai for being tried with O.P.No.2499 of 2016.

For Petitioner : Mr.V.Kanagasundaram

For Respondent : Mr.V.V.Sathya

O R D E R

The respondent initiated proceedings in HMOP No.113 of 2016 before the Sub-Court, Theni, praying for a decree of divorce. The petitioner, filed OP No.2499 of 2016 before the II Additional Judge, Family Court, Chennai, praying for a decree under Section 9 of the Hindu Marriage Act. The petitioner is before this Court with a prayer for transfer of the proceedings in HMOP No.113 of 2016 to the file of II Additional Judge, Family Court, Chennai.

2. Mr.V.V.Sathya, learned counsel for the respondent fairly submitted that the respondent has no objection in transferring the proceedings from Sub-Court Theni to the II Additional Family Court, Chennai.

3. There are two proceedings now pending before two different Courts. The proceedings in OP.No.2499 of 2016 is pending before the II Additional Family Court at Chennai. The connected proceedings in HMOP No.113 of 2016 is pending before the Sub-Court at Theni. It would be in the interest of both the parties, in case, one of the matter is transferred.

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. In view of the submission made on behalf of the respondent and taking into account the residence of the petitioner at Chennai and the pendency of the connected proceedings before the II Additional Family Court at Chennai, the transfer petition deserves to be allowed.

6. The proceedings in H.M.O.P.No.113 of 2016 is withdrawn from the file of District Sub-Court, Theni and is transferred to the file of II Additional Family Court, Chennai, for disposal along with O.P.No.2499 of 2016.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 VI)

//True Copy//

Sub Assistant Registrar

svki

To

1.The District Subordinate Judge,
Theni.

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

+2cc to Mr.V.Kanaga Sundaram, Advocate Sr.65348

Transfer CMP No.632 of 2016

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srg 09/12/2016