

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2016

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN

Transfer CMP.No.648 of 2016

and

CMP.No.17165 of 2016

Dr.Kanmani

...Petitioner

vs.

Dr.Venkateswaran

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw H.M.O.P.No.147 of 2016 on the file of Sub Court, Devakottai and transfer to the Sub Court, Mannargudi to try along with HMOP.No.123 of 2016.

For Petitioner : Mr.K.K.Ramakrishnan

For Respondent : Mr.R.Rangarajan

O R D E R

The respondent initiated matrimonial proceedings in HMOP No.147 of 2016 before the Subordinate Court, Devakottai praying for a decree of divorce. The petitioner on the other hand has filed H.M.O.P.No.123 of 2016 before the Subordinate Court, Mannargudi for restitution of conjugal rights. The petitioner has come up with this Transfer Petition for transfer of the proceedings in H.M.O.P.No.147 of 2016, to the Subordinate Court, Mannargudi, for disposal along with H.M.O.P.No.123 of 2016.

2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

3. The petitioner is a resident of Mannargudi. According to the petitioner, it would be difficult for her to appear before the Subordinate Court, Devakottai regularly and defend the proceedings in HMOP No.147 of 2016.

4. There are two proceedings involving the parties pending before two different Courts. I am, therefore, of the view that, it would be in the interest of both the parties, in case of one of such proceedings is transferred, so as to enable the transferee Court to dispose both the proceedings together.

5. 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.

6. There is nothing on record to suspect the bonafides in filing this transfer petition. I am therefore of the view that the matter requires transfer.

7. The proceedings in H.M.O.P.No.147 of 2016 is withdrawn from the file of the Subordinate Court, Devakottai, and is transferred to the file of the Sub-Court, Mannargudi, for disposal on merits.

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

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Judge, Devakottai.
2. The Subordinate Judge, Mannargudi.

+ 1 cc to M/s.P.T.Ramadevi, Advocate Sr 71759

KR/28/12

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