

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.656 of 2016
and
C.M.P.No.17367 of 2016

Dr.T.Lalitha Nandhini ... Petitioner / Respondent

vs.

Dr.K.S.Prem Kumar ... Respondent / Petitioner

Tr.C.M.P. filed under section 24 of C.P.C., praying to withdraw HMOP No.23 of 2014 pending on the file of the Subordinate Court at Kancheepuram and transfer the same to any other competent Court in Erode.

For petitioner : Mr.K.R.Samratt

For respondent : No appearance

O R D E R

The respondent initiated proceedings in HMOP No.23 of 2014 before the Subordinate Court at Kancheepuram for divorce. The petitioner filed MC No.122 of 2014 which is pending before the Family Court at Erode. The respondent initiated another proceedings in GWOP No.23 of 2014 and the same is pending before the Family Court at Erode.

2. The petitioner is a resident of Erode. The petitioner has come forward with this petition for transfer of HMOP No.23 of 2014 pending on the file of the Subordinate Court at Kancheepuram.

3. Heard the learned counsel for the petitioner. None appears for the respondent inspite of his name printed in the cause list.

4. There are three proceedings now pending before two different Courts. The proceedings initiated by the petitioner is pending before the Family Court at Erode in MC No.122 of 2014. The proceedings initiated by the respondent in GWOP No.23 of 2014 is also pending before the Family Court at Erode. It is only the proceedings in HMOP No.23 of 2014 which is pending before the Subordinate Court at Kancheepuram.

5. The petitioner in her affidavit filed in support of the Transfer Petition contended that being a resident of Erode, it is very difficult for her to travel from Erode to Kancheepuram to defend the proceedings. There is nothing on record to suspect the bona fides of the claim made by the petitioner in the Transfer Petition.

6. There are three proceedings now pending between the parties. It would be in the interest of both the parties in case the present proceedings pending before the Subordinate Court at Kancheepuram is transferred to the file of Family Court at Erode where two other proceedings are pending.

7. 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. In the result, the proceedings in HMOP No.23 of 2014 is withdrawn from the file of Subordinate Court at Kancheepuram and is transferred to the file of Family Court at Erode for disposal along with MC No.122 of 2014 and GWOP No.23 of 2014.

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

asvm

Sd/-
Assistant Registrar
/TRUE COPY/
Sub-Assistant Registrar

Copy to:

1.The Subordinate Judge,
Kancheepuram

2.The Judge, Family Court,
Erode.

+1CC to MR.K.R.SAMRAT Advocate SR.NO.70399

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RJ[CO]
MK:11/01/2017