

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.887 of 2017

T.Mariappan@Loganathan ... Petitioner

Versus

S.Suganthi ... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.55 of 2017 pending on the file of Subordinate Court, Karur and transfer the same to the Principal Family Court, Coimbatore.

For Petitioner : Mr.B.Viswanathan

For Respondents: Mr.N.Ponraj

O R D E R

This Transfer Civil Miscellaneous Petition has been filed to withdraw H.M.O.P.No.55 of 2017 pending on the file of Subordinate Court, Karur and transfer the same to the Principal Family Court, Coimbatore.

2. Heard both sides.

3. In the affidavit filed in support of this petition, it is stated that the marriage between the petitioner and the respondent was solemnized on 08.09.2011. The respondent/wife voluntarily deserted the matrimonial home on 13.02.2017 and therefore the petitioner filed a petition for dissolution of marriage in H.M.O.P.No.489 of 2017 before the Subordinate Court, Karur and the respondent/wife herein also filed a petition in H.M.O.P.No.489 of 2017, before the Principal Family Court, Coimbatore for dissolution of marriage and the same is also pending. It is further stated that if both the proceedings are allowed to be continued in two different Courts, there is possibility of conflicting Judgments and therefore the petitioner states that though it would be difficult for the petitioner/husband to travel from Karur to Coimbatore to attend the hearings before the Principal Family Court, Coimbatore, he wanted the petition filed by him against the respondent for

divorce in H.M.O.P.No.55 of 2017, before the file of Subordinate Court, Karur to be transferred to Principal Family Court, Coimbatore to try along with H.M.O.P.No.489 of 2017.

4. The learned counsel appearing for the respondent has no serious objection for transfer of H.M.O.P.No.55 of 2017 filed by the petitioner from the file of Subordinate Court, Karur to Principal Family Court, Coimbatore.

5. Considering the facts and circumstances of the case and also in view of the no objection having been stated by the learned counsel for the respondent and the fact that Section 19 (iii-a) of the Hindu Marriage Act, gives preference for the wife in respect of the place where she resides, this Court deems it fit to transfer the said H.M.O.P.No.55 of 2017 pending on the file of Subordinate Court, Karur to the Principal Family Court, Coimbatore.

6. Accordingly, this petition is allowed and the proceedings pending in H.M.O.P.No.55 of 2017, pending on the file of Subordinate Court, Karur is withdrawn and transferred to the file of Principal Family Court, Coimbatore to try along with H.M.O.P.No.489 of 2017. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

arr

To

1.The Subordinate Court, Karur

2.The Principal Family Court, Coimbatore.

+ 1 cc to Mr. S.B. Viswanathan, Advocate SR.85524

+ 1 cc to Mr. N. Ponraj, Advocate SR.86097

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Tr.C.M.P.No.142 of 2017
and
C.M.P.No.2543 of 2017

RK(CO)
EU(26/12/2017)