

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.594 OF 2014

AND MP NO.1 OF 2014

A.Padmavathy ... Petitioner

versus

Alagarsamy @ Ramesh ... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw and transfer the H.M.O.P.No.345 of 2012 on the file of Camp Sub Court, Thirumangalam to the file of Family Court at Chennai for trial.

For Petitioner : Mr.A.Kumanaraja
For Respondent : No appearance

O R D E R

The respondent initiated a proceedings in H.M.O.P.No.345 of 2012, before the Camp Sub Court, Thirumangalam, Madurai District, praying for a decree of divorce.

2. The petitioner on receipt of notice from the Trial Court, filed this petition for transfer.

3. Heard the learned counsel for the petitioner. None appears on behalf of the respondent in spite of printing his name in the cause list after service.

4. The proceedings for divorce initiated by the respondent is pending before the Camp Sub Court at Thirumangalam. The petitioner is a resident of Choolaimedu, Chennai. According to the petitioner, it would not be possible

for her to defend the proceedings in H.M.O.P.No.345 of 2012, in case the same is continued at Thirumangalam.

5. The petitioner is residing at Chennai along with her two children. The respondent is an employee of Tamil Nadu Electricity Board. According to the petitioner, the respondent is not maintaining her and the same resulted in instituting a proceedings in M.C.No.390 of 2006 before the I Additional Family Court, Chennai.

6. 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.

7. The petitioner has produced sufficient materials justifying her request for transfer. I am therefore of the view that the transfer petition deserves to be allowed.

8. The proceedings in H.M.O.P.No.345 of 2012 is withdrawn from the file of Camp Sub Court, Thirumangalam, Madurai District and is transferred to the file of I Additional Family Court at Chennai, for disposal along with M.C.No.390 of 2006.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

TK

To

1.The Camp Sub Court
Thirumangalam, Madurai District.

2.The I Additional Family Court
Chennai.

+1cc to Mr.A. Kamara Raja, Advocate, S.R.No.64871

ssi (CO)
md(23/12/2016)

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