

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2016

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Tr.C.M.P.No.626 of 2014

And

M.P.No.1 of 2014

R.Jayasudha

... Petitioner/Respondent

Vs.

N.Pugalenth

... Respondent/Petitioner

Prayer:

Petition filed under Section 24 of the Civil Procedure Code seeking to withdraw the petition in HMOP No.109 of 2012 pending on the file of sub-Court, Devakottai and trial along with HMOP 927 of 2013 transfer to the Family Court at Coimbatore.

For Petitioner : Mr.N.J.S.Rajkumar

For Respondent : No Appearance

O R D E R

The respondent initiated proceedings in HMOP No.109 of 2012 before the Subordinate Court, Devakottai praying for a decree of divorce. The petitioner who was arrayed as the respondent in the said proceedings has come up with the transfer petition.

2.Heard the learned counsel for the petitioner. None appears for the respondent inspite of printing his name in the cause list after service.

3.The petitioner is a resident of Coimbatore. The proceedings in HMOP No.109 of 2012 is pending before the Subordinate Court, Devakottai. According to the petitioner, being a resident of Coimbatore, it would not be possible for her to appear before the Subordinate Court, Devakottai for the purpose of defending the proceedings in HMOP No.109 of 2012.

4.There is nothing on record to suspect the case pleaded by the petitioner.

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.The petitioner has given sufficient materials justifying her request for transfer. In view of the factual matrix, the petition deserves to be allowed.

7.In the result, the proceedings in HMOP No.109 of 2012 is withdrawn from the file of the Subordinate Court, Devakottai and is transferred to the file of the Family Court, Coimbatore for disposal along with HMOP 927 of 2013, on merits.

8.The transfer petition is allowed as indicated above. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Subordinate Judge,  
Devakottai.

2.The Judge, Family Court,  
Coimbatore.

Copy to: The Section Officer, Record Keeper  
V.R. Section, High Court, Madras.

+ 5 ccs to Mr.N.J.S. Rajkumar, Advocate sr.63693

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NRJK (CO)  
EU 16.11.16

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