

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR. CMP NO.765 OF 2014
AND MP.NO.1 OF 2014

Hamsa ... Petitioner/Respondent

Versus

M.V.Chellamuthu ... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw the O.P.No.911 of 2014 on the file of the II Additional Family Court, Chennai and transfer the same to the Subordinate Court, Chengalpattu.

For Petitioner : Mr.T.Muruganantham

For Respondent : No appearance

O R D E R

The respondent in O.P.No.911 of 2014 on the file of the Second Additional Family Court, Chennai is the petitioner in this transfer petition.

2. 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.

3. The petitioner is a permanent resident of Vandavasi Taluk in the District of Thiruvannamalai. She is presently residing at Chengalpattu.

4. The matrimonial proceedings instituted by the respondent is pending on the file of the Second Additional Family Court, Chennai. According to the petitioner, being a resident of Chengalpattu, it would be very difficult for her to come over to Chennai for the purpose of defending the proceedings in O.P.No.911 of 2014. Since the matter is pending before the Second Additional Family Court, Chennai, the presence of the petitioner is a must.

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 produced sufficient materials justifying transfer. In fact, there is nothing on record suspecting the bonafides in filing this transfer petition. I am therefore of the view that the transfer petition deserves to be allowed.

7. The proceedings in O.P.No.911 of 2014 is withdrawn from the file of Second Additional Family Court, Chennai and is transferred to the file of Sub Court, Chengalpattu, for disposal on merits.

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

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1.The Second Additional Family Court,
Chennai.

2.The Subordinate Court,
Chengalpattu.

+1cc to Mr.T.Muruganantham, Advocate Sr.64255

TR. CMP NO.765 OF 2014

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srg 02/12/2016