

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.112 of 2015 and

MP.No.1 of 2015

S.Jayanthi

...Petitioner

versus

S.Velmurugan

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.436 of 2014 on the file of Family Court at Erode to be tried at Sub-Court, Tindivanam.

For Petitioner : Mr.D.Devendran
For Respondent : Mr.C.S.Saravanan

O R D E R

The respondent initiated proceedings in HMOP No.436 of 2014 before the Family Court at Erode, praying for a decree of divorce. The petitioner is before this Court with a request to transfer the proceedings to the file of Sub-Court at Tindivanam.

2. The learned counsel for the respondent fairly submitted that the respondent has no objection for transferring the proceedings.

3. The petitioner is a resident of Tindivanam. The proceedings initiated by the respondent is now pending before the Family Court at Erode.

4. The petitioner has produced sufficient materials to demonstrate that being a resident of Tindivanam, it would not be possible for her to appear before the Trial Court at Erode for the purpose of defending the proceedings in HMOP No.436 of 2014.

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. In view of the reasons found mentioned in the affidavit filed in support of the transfer petition and taking into account the no objection given by the respondent, the transfer petition deserves to be allowed.

7. The proceedings in H.M.O.P.No.436 of 2014 is withdrawn from the file of Family Court, Erode and is transferred to the file of Sub-Court, Tindivanam, for disposal on merits.

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

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

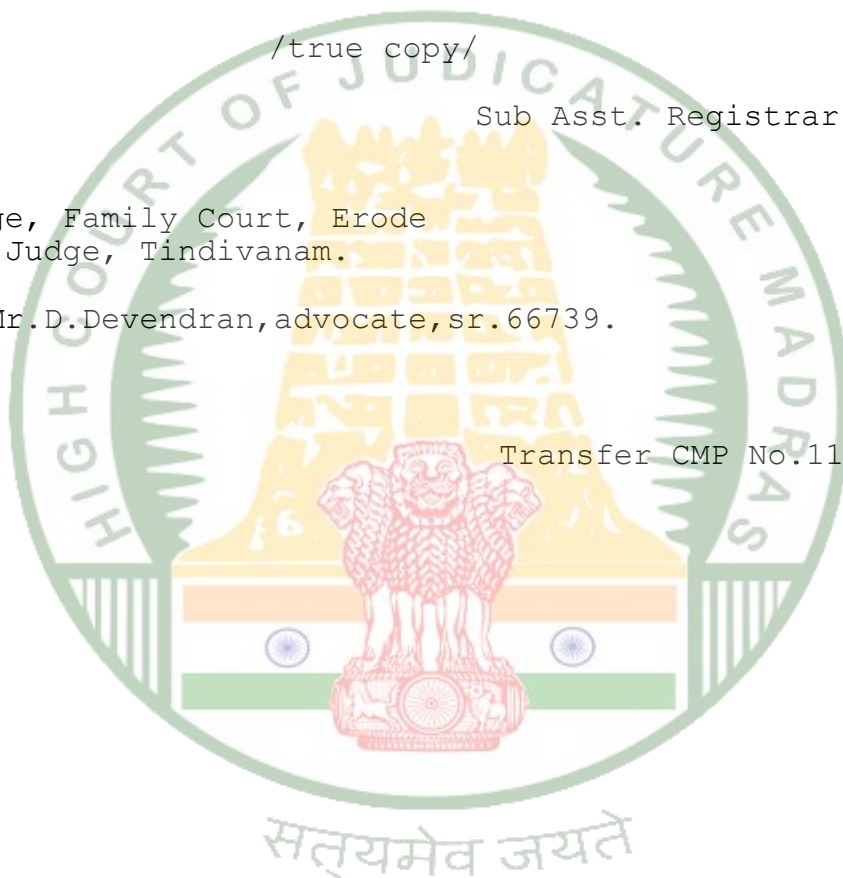
To

- 1.The Judge, Family Court, Erode
- 2.The Sub Judge, Tindivanam.

+1 cc to Mr.D.Devendran,advocate,sr.66739.

rv(co)
krd 27/12

Transfer CMP No.112 of 2015



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