

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.121 of 2015
and
MP.No.1 of 2015

S.Tamilselvi ... Petitioner/Respondent

Versus

C.V.Rajeshkumar ... Respondent/Petitioner

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to transfer the HMOP No.129 of 2014 pending on the file of Subordinate Court, Krishnagiri to Family Court at Chennai.

For Petitioner : Mr.S.Rajesh Kumar

For Respondent : Mr.V.Nicholas

O R D E R

The respondent in HMOP No.129 of 2014 on the file of Sub-Court, Krishnagiri is the petitioner in this transfer petition.

2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

3. The respondent initiated proceedings in H.M.O.P.No.129 of 2014 before the Sub-Court, Krishnagiri, praying for a decree of divorce. The petitioner on receipt of summons filed this petition for transfer on the ground that being a resident of Chennai, it would not be possible for her to appear regularly before the Court at Krishnagiri.

4. According to the petitioner, she is dependent on her parents even for her livelihood. Her parents are very old and as such, it would not be possible for them to accompany her to the Court at Krishnagiri. There is nothing on record to disbelieve the case pleaded by the petitioner in the transfer petition.

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 to demonstrate that it would be difficult for her to defend the proceedings before the Sub-Court at Krishnagiri. I am therefore of the view that the transfer petition deserves to be allowed.

7. The proceedings in H.M.O.P.No.129 of 2014 is withdrawn from the file of Sub-Court, Krishnagiri and is transferred to the file of Family Court, Chennai, for disposal on merits.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(CS VI)

//True Copy//

Sub Assistant Registrar

svki

To

1.The Subordinate Judge,
Sub Court,
Krishnagiri.

2.The Family Court Judge,
Family Court,
Chennai.

+1cc to Mr.V.Nicholas, Advocate, S.R.No.55589
+2cc's to Mr.S.Rajesh Kumar, Advocate, S.R.No.55260

Transfer CMP No.121 of 2015

SR(CO)
CA(24/10/2016)