

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 20.10.2016
CORAM:
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
TR CMP NO.131 OF 2015
AND MP NO.1 OF 2015

S.Umamaheswari

... Petitioner

versus

M.Prabu

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw the H.M.O.P.No.4271 of 2014 on the file of the 1st Additional Family Court at Chennai and transfer the same to the Subordinate Court at Poonamallee with a direction to try the petition.

For Petitioner : Mr.R.Ashraf Khan
For Respondent : Mr.M.Mohanraj

O R D E R

The respondent initiated proceedings in O.P.No.4271 of 2014, before the First Additional Family Court, Chennai, invoking Section 9 of the Hindu Marriage Act, 1955. The petitioner, who was shown as respondent in the said Original Petition, filed this petition for transfer.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The proceedings in O.P.No.4271 of 2014 was instituted by the respondent before the First Additional Family Court, Chennai for restitution of conjugal rights.

4. The petitioner is a resident of Ambattur. According to the petitioner, she has to maintain her minor child, aged about four years. It is the grievance of the petitioner that it would not be possible for her to defend the proceedings in O.P.No.4271 of 2014, by appearing before the First Additional Family Court, Chennai regularly.

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 the 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 The proceedings in O.P.No.4271 of 2014 is withdrawn from the file of First Additional Family Court, Chennai, and is transferred to the file of Sub Court, Poonamallee, for disposal on merits.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

TK

To

1.The First Additional Family Court
Chennai.

2.The Sub Court
Poonamallee.

+1 cc to Mr.G.Mohanraj Advocate sr 59402

TR CMP NO.131 OF 2015

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