

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **26.10.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

Transfer CMP No.14 of 2015 and
MP.No.1 of 2015

A.Anushya

...Petitioner

versus

D.Veeraragavan

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the OP NO. 3704/2014 on the file the I Additional Family Court at Chennai and transfer the same to the Family Court at Puducherry.

For Petitioner : Mr. Prakash Adiapadam

For Respondent : Mr.A.M.Ayyadurai

ORDER

The respondent initiated proceedings in OP.No.3704 of 2014 before the learned Judge, I Additional Family Court, Chennai praying for a decree of divorce. The petitioner, who is a resident of Puducherry and the respondent in OP No.3704 of 2014, has come up with this petition for transfer.

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

3. The only objection raised by the respondent is that he is a resident of Chennai and has to look after his aged parents, who are suffering from various diseases.

4. The proceeding in OP No.3704 of 2004 is now pending on the file of Family Court at Chennai. The petitioner is a permanent resident of Puducherry. According to the petitioner, it would not be possible for her to appear before the Family Court at Chennai for the purpose of defending the proceedings in OP No.3704 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. The petitioner has given sufficient materials justifying her request for transfer of the proceedings. I am therefore of the view that the transfer petition deserves to be allowed.

7. In the result, the proceedings in OP No.3704 of 2014 is withdrawn from the file of I Additional Family Court at Chennai and is

transferred to the file of Family Court at Puducherry for disposal on merits.

8. In view of the submission made by the learned counsel for the respondent with regard to the difficulties faced by the respondent, I consider it deem and fit to permit him to file an application before the trial court, to dispense with his personal appearance on the normal dates of hearing, subject to the condition that the respondent shall appear on all the effective dates of hearing and cooperate for an early disposal of the matter. In case, any such application is filed, the same shall be considered and disposed of by the learned Trial Judge, taking into account the background facts.

9. The Transfer CMP is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

26.10.2016

Index:Yes/No

ajr

To

1. I Additional Family Court at Chennai
2. Family Court at Puducherry.

K.K.SASIDHARAN,J.

ajr

Transfer CMP No.14 of 2015

26.10.2016