

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2016

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Tr.C.M.P. No.144 of 2015
and
M.P.No.1 of 2015

S.Bharathi

.. Petitioner

vs.

S.Shantharajan

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. praying to withdraw the case in HMOP No.1 of 2015 on the file of the Subordinate Court, Arani, Thiruvannamalai District and transfer the same to the Family Court, Vellore, Vellore District.

For Petitioner : Mr.M.Sathish Kumar

For Respondent : Mr.P.Satheesh Kumar

O R D E R

The respondent initiated proceedings in HMOP No.1 of 2015 before the Subordinate Court at Arani, praying for a decree of divorce. The petitioner, who is a resident of Vellore, is before this Court with a request to transfer the proceedings in HMOP No.1 of 2015 from the file of the Subordinate Court at Arani to the file of Family Court at Vellore.

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

3. The matrimonial proceedings initiated by the respondent is pending on the file of the Subordinate Court at Arani. The petitioner along with her two children are residing at Vellore. According to the petitioner, the respondent has not been paying her maintenance and she is at the mercy of her parents. The petitioner, therefore, seeks transfer. There is nothing on record to suspect the bona fides in filing this Transfer Petition.

4. 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.

5. The petitioner has produced sufficient materials justifying her request for transfer. In view of the same, the Transfer Petition deserves to be allowed.

6. The proceedings in H.M.O.P.No.1 of 2015 is withdrawn from the file of Subordinate Court at Arani and is transferred to the file of Family Court at Vellore. The learned Judge of Family Court, Vellore, is directed to dispose of the proceedings, as expeditiously as possible.

7. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

asvm
Copy to:

- 1.The Subordinate Judge, Arani.
- 2.The Judge, Family Court, Vellore.

+1cc to Mr.P.Satheeshkumar, Advocate, S.R.No.70460

RP(CO)
BB(29/12/2016)

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