

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.147 of 2015 and

MP.No.1 of 2015

A.Jansi Rani

...Petitioner

versus

J.Arockia Vimal

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw I.D.O.P.No.72 of 2014 pending on the file of District Family Court, Madurai and transfer the same to the I Additional Family Court, Chennai.

For Petitioner : Ms.C.Shyaamala

For Respondent : No appearance

O R D E R

The respondent initiated proceedings in IDOP No.72 of 2014 before the District Family Court at Madurai, praying for a decree of divorce. The petitioner, on the other hand filed M.C.No.62 of 2015 before the I Additional Family Court, Chennai, praying for maintenance. The petitioner has come up with this petition for transfer of the proceedings in IDOP No.72 of 2014.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondent.

3. The proceedings initiated by the respondent for divorce is pending before the District Family Court at Madurai. According to the petitioner, she is residing at Kodungaiyur along with her minor child aged 3 1/2 years. It is the case of the petitioner that she would not be in a position to defend the case properly, in case, the same is continued before the District Family Court at Madurai. There is nothing on record to suspect the bonafides 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. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceedings in I.D.O.P.No.72 of 2014 is withdrawn from the file of District Family Court, Madurai and is transferred to the file of I Additional Family Court, Chennai, for disposal along with M.C.No.62 of 2015.

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

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

svki

To

1.The District Judge, Family Court, Madurai

2.The I Additional Judge, Family Court, Chennai

+2cc to M/s C.Shyaamala, Advocate Sr.68642

Transfer CMP No.147 of 2015

GMI (CO)
RVR 09/01/2017

सत्यमेव जयते

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