

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.152 of 2015 and

MP.No.1 of 2015

Praganayagi

...Petitioner

versus

Saravanan

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw HMOP No.96 of 2012 (HMOP NO.119 of 2010) pending on the file of Subordinate Court at Arakkonam in Vellore District and to transfer to Subordinate Court at Kallakurichi, Villupuram District.

For Petitioner : Mr.K.B.Arul

For Respondent : No appearance

O R D E R

The respondent in HMOP No.96 of 2012 on the file of Sub-Court at Arakkonam is the petitioner in this transfer petition.

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

3. The respondent initiated proceedings in HMOP No.119 of 2010 before the Sub-Court at Arakkonam, praying for a decree of divorce. The original petition was later re-numbered as HMOP No.96 of 2012.

4. The petitioner is a resident of Koogaiyanur Village in the district of Villupuram. The petitioner is maintaining her 9 years old child. According to the petitioner, she is at the mercy of her parents, even for maintenance.

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 matrimonial proceedings is pending before the Sub-Court at Arakkonam. The petitioner is therefore correct in her

contention that it would be very difficult for her to travel all along from Villupuram to Arakkonam for the purpose of defending the proceedings in HMOP No.96 of 2012. I am therefore of the view that the transfer petition deserves to be allowed.

7. The proceedings in H.M.O.P.No.96 of 2012 is withdrawn from the file of Sub-Court, Arakkonam and is transferred to the file of Family Sub-Court, Kallakurichi, Villupuram District, for disposal on merits.

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

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

svki

To

1.The Subordinate Judge,
Arakkonam, Vellore

2.The Subordinate Judge,
Kallakurichi, Villupuram

Transfer CMP No.152 of 2015

LRS (CO)
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