

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.173 of 2015
and
MP.No.1 of 2015

Amutha

... Petitioner

versus

M.Sivakumar

.... Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw HMOP No.43 of 2014 pending on the file of Family Court at Coimbatore and transfer the same to the Sub-court at Pollachi.

For Petitioner : Mr.A.Esakkiappan

For Respondent : No appearance

O R D E R

The respondent in HMOP No.43 of 2014 on the file of Family Court at Coimbatore is the petitioner in this transfer petition.

2. Heard the learned counsel for the petitioner.

3. None appears on behalf of the respondent in spite of printing his name in the cause list after service.

4. The respondent initiated proceedings in HMOP No.43 of 2014 before the Court below praying for a decree of divorce. The petitioner was shown as the respondent in the divorce petition. According to the petitioner, being a resident of Pollachi, it would not be possible for her to appear before the Court at Coimbatore for the purpose of defending the proceedings.

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 is residing at Pollachi along with her minor child, aged about 6 years. The petitioner is therefore correct in her contention that it would be difficult for her to appear before the Family Court at Coimbatore. I am therefore of the view that the transfer petition deserves to be allowed.

7. The proceedings in H.M.O.P.No.43 of 2014 is withdrawn from the file of Family Court, Coimbatore and is transferred to the file of Subordinate Court, Pollachi, for disposal on merits.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

svki

To

- 1.The Principal Judge,
Family Court,
Coimbatore.
- 2.The Subordinate Judge,
Subordinate Court,
Pollachi.

+1cc to Mr.A.Esakkiappan, Advocate, S.R.No.58495

Transfer CMP No.173 of 2015

MV(CO)
CA(09/11/2016)

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