

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.178 of 2015 and

MP.No.1 of 2015

M.Deepa

...Petitioner

versus

M.S.Sabanayagam

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw O.P.No.4148 of 2014 on the file of II Additional Family Court, Chennai and transfer the same to any competent Court in Vellore.

For Petitioner : Mr.D.Ravichander

For Respondent : No appearance

O R D E R

The respondent in HMOP No.4148 of 2014 on the file of II Additional Family Court, Chennai has come up with this transfer petition.

2. The proceedings in HMOP No.4148 of 2014 filed by the respondent is pending before the II Additional Family Court at Chennai. The petitioner is a resident of Katpadi in the district of Vellore. The petitioner seeks transfer of the proceedings to a Court at Vellore.

3. Heard the learned counsel for the petitioner. None appears on behalf of the respondent inspite of printing the name of the counsel in the cause list.

4. The respondent initiated proceedings before the II Additional Family Court, Chennai, praying for a decree of divorce. According to the petitioner, she is maintaining her minor child, who is a student of Pre K.G. in Blooming Buds Schools. Her parents are senior citizens. Therefore, she would not be in a position to travel all along from Katpadi to Chennai for the purpose of defending the proceedings in HMOP No.4148 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 produced sufficient materials to justify her request for transfer. I am therefore of the view that the transfer petition deserves to be allowed.

7. The proceedings in H.M.O.P.No.4148 of 2014 is withdrawn from the file of II Additional Family Court, Chennai and is transferred to the file of Family Court, Vellore, for disposal on merits.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 (CS II)

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Sub Asst. Registrar

svki

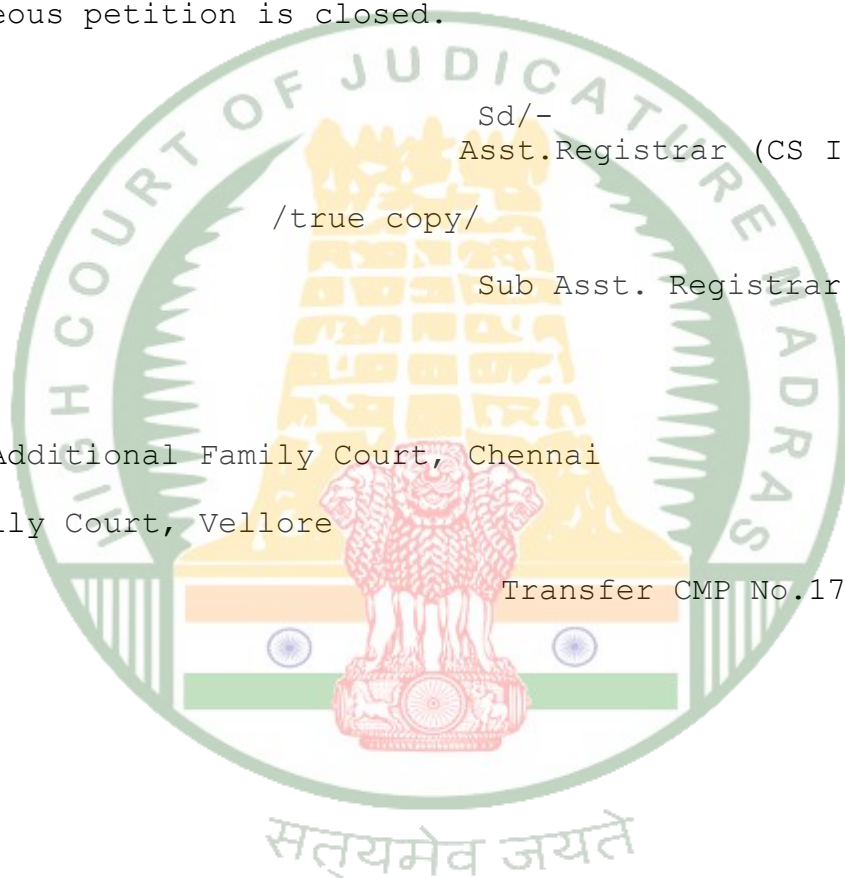
To

1.The II Additional Family Court, Chennai

2.The Family Court, Vellore

Transfer CMP No.178 of 2015

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