

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.233 of 2015
and
M.P.No.1 of 2015

K.G.Lakshme Priya

... Petitioner

versus

R.Saravana Kumar

... Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw HMOP No.30 of 2012 from the file of Family Court, Madurai and transfer the same to the file of II Additional Family Court, Chennai.

For Petitioner : Mr.N.Ramesh

For Respondent : No appearance

O R D E R

The respondent in HMOP No.30 of 2012 on the file of Family Court at Madurai 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.30 of 2012 before the Family Court at Madurai praying for a decree of divorce.

5. The petitioner is a resident of Vadapalani. She is residing along with her minor child. According to the petitioner, it would not be possible for her to defend the proceedings in HMOP No.30 of 2012, which is now pending before the Family Court at Madurai.

6. 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.

7. The petitioner has produced sufficient materials justifying transfer. There is nothing on record to suspect the bonafides in filing this transfer petition. I am therefore of the view that the transfer petition deserves to be allowed.

8. The proceedings in H.M.O.P.No.30 of 2012 is withdrawn from the file of Family Court, Madurai and is transferred to the file of II Additional Family Court, Chennai, for disposal on merits.

9. 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 Judge,
Family Court,
Madurai.
- 2.The Presiding Officer,
II Additional Family Court,
Chennai.

सत्यमेव जयते

+2cc's to Mr.N.Ramesh, Advocate, S.R.Nos.58333 & 58334

Transfer C.M.P.No.233 of 2015

CP(CO)
CA(26/10/2016)

WEB COPY