

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.252 of 2015 and

MP.No.1 of 2015

Surya

...Petitioner

versus

Vijayakumar

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the FCOP No.387 of 2014 pending on the file of the Family Court, Vellore District and transfer the same to the Sub Court, Hosur, Krishnagiri District.

For Petitioner : Mr.Durai Gunasekaran
For Respondent : Mr.P.K.Sri Lokesh

O R D E R

The respondent in FCOP No.387 of 2014 on the file of Family Court, Vellore is the petitioner in this transfer petition.

2. The respondent filed FCOP No.387 of 2014 before the Family Court, Vellore, praying for a decree of divorce. The petitioner on appearance before the Family Court, Vellore filed this petition for transfer.

3. The learned counsel for the respondent submitted that in case the matter is transferred to the Sub-Court, Hosur, there is a possibility of threat to the life of the respondent. According to the learned counsel, the brothers of the petitioner earlier assaulted the respondent and a case in Crime No.201 of 2014 was registered by the Police against them on 10.07.2014. The matter is now pending investigation.

4. The learned counsel for the petitioner on the other hand submitted that the petitioner would be satisfied, in case, the matter is transferred to a court at Krishnagiri.

5. The learned counsel for the respondent has also no objection for transferring the matter to a Court at Krishnagiri.

6. The petitioner originally filed this petition for transfer of the matter to Sub-Court, Hosur. Now that both the parties have agreed to transfer the matter to a Court at Krishnagiri, necessarily, this petition deserves to be allowed.

7. Moreover, 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.

8. In the result, the proceedings in FCOP No.387 of 2014 is withdrawn from the file of Family Court, Vellore and is transferred to the file of Sub Court, Krishnagiri for disposal on merits.

9. The Transfer CMP is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The Judge, Vellore
- 2 The Sub Court, Krishnagiri

+1cc to Mr. P.K. Srilokesh, Advocate, S.R.No.54517
+1cc to Mr.Durai Gunasekar, Advocate, S.R.No.54919

pvs (CO)
md (08/11/2016)

Transfer CMP No.252 of 2015