

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.312 of 2015 and

MP.No.1 of 2015

D.Anuradha

...Petitioner/Respondent

versus

J.Kumaravel

...Respondent/Petitioner

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the HMOP No.126 of 2013 on the file of the learned Subordinate Judge, Thiruvannamalai and transfer the same to the Sub-Court, Uthangarai.

For Petitioner : Mr. K.Thiruvengadam

For Respondent : Mr.T.Panchatsaram

ORDER

The respondent initiated proceedings in HMOP.No.126 of 2013 against the petitioner before the Subordinate Court at Thiruvannamalai praying for a decree of divorce. The petitioner, who is the respondent in the said proceeding, has come up with this petition for transfer.

2. Heard the learned counsel for the petitioner the learned counsel appearing on behalf of the respondent.

3. The proceeding in HMOP No.126 of 2013 is now pending on the file of Subordinate Court at Thiruvannamalai. The petitioner is a permanent resident of Uthangarai Taluk in the District of Krishnagiri. According to the petitioner, it would not be possible for her to appear before the Subordinate Court at Tiruvannamalai for the purpose of defending the proceedings in HMOP No.126 of 2013.

4. 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.

5. The petitioner has given sufficient materials justifying her request for transfer. I am therefore of the view that the petition deserves to be allowed.

6. The proceeding in HMOP No.126 of 2013 is withdrawn from the file of Subordinate Court at Thiruvannamalai and is transferred to the file of Subordinate Court at Uthangarai for disposal on merits.

7. The matter is of the year 2013. The learned trial Judge is directed to dispose of HMOP No.126 of 2013 as expeditiously as possible and in any case on or before 30.4.2017.

8. The Transfer CMP is allowed with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ajr

To

1. The Subordinate Judge, Thiruvannamalai
2. The Sub-Judge, Uthangarai.

+1cc to Mr.G. Punniyakotti, Advocate, S.R.No.61464

scd (CO)
md (15/11/2016)

Transfer CMP No.312 of 2015