

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.333 of 2015 and
MP.No.1 of 2015

S.Gowri

...Petitioner

versus

G.Devaprakash

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw HMOP No.558 of 2014 pending on the file of Family Court, Erode and transfer the same to Sub-Court, Pollachi. (Prayer amended vide order dated 10.11.2016 in M.P.Nos.2 and 3 of 2015 by KKSJ)

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.N.Umapathy

O R D E R

The respondent in HMOP No.558 of 2014 on the file of Family Court, Erode is the petitioner in this transfer petition.

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

3. The respondent initiated proceedings in HMOP No.558 of 2014 before the Family Court, Erode, praying for a decree of divorce. The petitioner is a resident of Palakkad in the state of Kerala. According to the petitioner, she is maintaining her two minor children and in view of the said factual position, it would be very difficult for her to travel from Palakkad to Erode for the purpose of defending the proceedings in HMOP No.558 of 2014. There is nothing on record to suspect the bonafides in filing this transfer petition.

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 produced sufficient materials

justifying her request for transfer. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceedings in H.M.O.P.No.558 of 2014 is withdrawn from the file of Family Court, Erode and is transferred to the file of Sub-Court, Pollachi, for disposal on merits.

7. The learned Subordinate Judge, Pollachi, is directed to dispose of the matrimonial proceedings as expeditiously as possible.

8. The Transfer Civil Miscellaneous Petition is allowed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

svki

To

1.The Family Court, Erode
2.The Sub-Court, Pollachi
+lcc to Mr.M.Guruprasad, Advocate, sr.65438

Transfer CMP No.333 of 2015

ks(co)
ss(10/01/2017)

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