

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2016

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN

Transfer CMP.No.393 of 2015 and

M.P.No.1 of 2015

P.Vennila

...Petitioner

vs.

A.Thirumurugan

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw and transfer HMOP No.1242/2014 pending before the Family Court at Coimbatore to the Principal Sub Court, Karur.

For Petitioner : Mr.M.Easan
For Respondent : No appearance

O R D E R

Heard the learned counsel for the petitioner. None appears for the respondent in spite of printing his name in the cause list after service.

2. This transfer petition is filed by the respondent in HMOP.No.1242 of 2014 on the file of Family Court, Coimbatore to transfer the proceedings to the Principal Sub-Court at Karur.

3. The respondent filed HMOP No.1242 of 2014 before the Family Court, Coimbatore for restitution of conjugal rights. The petitioner entered appearance and thereafter, filed this petition for transfer.

4. According to the petitioner, she is a permanent resident of Karur and it would not be possible for her to appear before the Court at Coimbatore and defend the proceedings.

5. There is nothing on record to disbelieve the case pleaded by the petitioner in the transfer petition.

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 warranting transfer of the proceedings from Coimbatore to Karur. I am therefore of the view that the transfer petition deserves to be allowed.

8. In the result, the proceedings in HMOP No.1242 of 2014 is withdrawn from the file of Family Court, Coimbatore and is transferred to the file of Principal Sub-Court, Karur for disposal on merits.

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

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

svki

To

1.The Judge, Family Court, Coimbatore.

2.The Principal Sub Judge, Karur.

+1 CC to Mr. M. Easan, Advocate Sr.NO.54881

Transfer CMP.No.393 of 2015

NMI (CO)

MD : 22/10/2016

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