

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.405 of 2015 and

M.P.No.1 of 2015

G.Suganya

...Petitioner

versus

A.Om Prakash

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the HMOP No.138 of 2015, pending on the file of the Subordinate Court, Tambaram and transfer the same to the file of Subordinate Court at Tiruppur.

For Petitioner : Mr.N.S.Sivakumar

For Respondent : Mr.P.R.Balasubramanian

O R D E R

The petitioner is the respondent in HMOP.No.138 of 2015, on the file of Sub Court, Tambaram. Since the petitioner is a resident of Tiruppur, she seeks an order for transferring the proceedings to the file of Subordinate Court at Tiruppur.

2. The learned counsel for the respondent fairly submitted that the respondent has no objection in transferring the petition provided the dispute is referred to Mediation.

3. 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.

4. The proceedings in H.M.O.P.No.138 of 2015 is now pending on the file of the Sub Court, Tambaram. Admittedly, the petitioner herein is a permanent resident of Tiruppur. In view of the submissions made by the learned counsel for the respondent, I considered it fit and proper to transfer HMOP

No.138 of 2015 pending on the file of the Sub Court, Tambaram to the Sub Court, Tiruppur.

5. The learned Sub Judge, Tiruppur is directed to refer the matter for mediation to the District Court, Tiruppur. The question of disposal on merits would arise only if there is no settlement in the Mediation.

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

Sd/-

Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1.The Subordinate Judge, Tambaram.

2.The Subordinate Judge at Tiruppur.

+2 CC to Mr. P.R. Balasubramanian, Advocate Sr.No.54166

+1 CC to Mr. N.S. Sivakumar, Advocate Sr.No.55086

Transfer CMP No.405 of 2015

NMI (CO)

MD : 22/10/2016

सत्यमेव जयते

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