

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.430 of 2015
and
MP.No.1 of 2015

K.Akilandeswari ... Petitioner/Respondent

versus

K.Vivek Respondent/Petitioner

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to transfer the HMOP No.46 of 2015, pending on the file of the Subordinate Court, Dharapuram, and transfer the same to the Sub Court, Coonoor.

For Petitioner : Mr.C.D.Johnson

For Respondent : Mr.K.S.Karthik Raja

O R D E R

The respondent filed HMOP No.46 of 2015 for divorce against the petitioner before the Sub Court, Dharapuram. The petitioner, who is a resident of Nilgiris District has come up with this transfer petition seeking transfer of proceeding to Sub Court, Coonoor. सत्यमेव जयते

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3.The respondent filed the proceedings in HMOP No.46 of 2015, before the Subordinate Court, Dharapuram, praying for a decree of divorce. The petitioner is a permanent resident of Nilgiris District.

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. According to the petitioner, it would not be possible for her to travel to Dharapuram to defend the

proceedings before the Sub Court, Dharapuram. There is nothing on record to disbelieve the case pleaded by the petitioner. I am, therefore, of the view that the matter requires transfer.

6. In the result, the proceedings in HMOP No.46 of 2015 is withdrawn from the file of Subordinate Court, Dharapuram and is transferred to the file of Sub Court, Coonoor for disposal on merits.

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

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Subordinate Court,
Dharapuram.

2.The Sub Court,
Coonoor.

+1cc to Mr.N.Surya Senthil, Advocate, S.R.No.54190
+1cc to Mr.K.S.Karthik Raja, Advocate, S.R.No.54543

Transfer CMP No.430 of 2015

RP(CO)
CA(17/10/2016)

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