

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.10.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K. SASIDHARAN

Transfer C.M.P.No.448 of 2015
and
MP. No. 1 of 2015

R.Jayaprakash

... Petitioner

Vs

S.Maheswari

... Respondents

Prayer: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the O.P.No.1000 of 2014 pending on the file of the Principal Judge, Family Court, Chennai and to transfer the same to Sub-Court, Gudiyatham, by allowing this Transfer Petition.

For Petitioner : Mr.M.Vijayan
for M/s.Karan and Uday

For Respondent : Mr.R.Muthukumar

O R D E R

The respondent filed proceedings in O.P.No.1000 of 2014 before the Principal Judge, Family Court at Chennai, praying for a decree of divorce.

2. The petitioner has come up with this transfer petition on the ground that being a resident of K.V.Kuppam Village, Katpadi Taluk, Vellore District, it would not be possible for him to come over to Chennai for the purpose of defending the proceedings in O.P.No.1000 of 2014.

3. When the matter was taken up for hearing on 30.09.2016, the learned counsel for the petitioner submitted that there is a possibility of settlement, in case, the matter is referred to mediation. In view of the said submission, I have directed the parties to appear before this court today.

4. When the matter was taken for consideration today, the petitioner, who appeared in person submitted that he wanted to

resume cohabitation. The respondent, on the other hand submitted that she is not interested to live with the petitioner. According to the respondent, the petitioner has been dragging the matter under one pretext or the other and he never appeared before the Trial Court. The respondent further submitted that it was only after posting the matter for trial, the petitioner has come up with this transfer petition just to prolong the matter.

5. The proceedings in O.P.No.1000 of 2014 was filed by the respondent praying for a decree of divorce. The respondent opposed the original petition on the ground that there are no reasons to grant a decree of divorce.

6. The respondent is presently residing at Chennai in connection with her employment. The respondent has stated that she is working as a Staff Nurse at Government Hospital, Chennai. She is stated to be residing here from 2011 onwards.

7. The petitioner is a resident of Vellore District. The respondent submitted that the petitioner is doing business, and as such, there would not be any difficulty for him to appear before the Court at Chennai.

8. 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.

9. The respondent has been prosecuting the matter right from 2014. There would not be any difficulty for the petitioner to appear before the Family Court, Chennai for the purpose of defending the proceedings in O.P.No.1000 of 2014. There is no point in directing transfer of the matter to Vellore, in view of the residence and employment of the respondent at Chennai. I am therefore of the view that absolutely, there is no merit in the transfer petition filed by the petitioner.

10. In the result, the Transfer CMP is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rm/svki

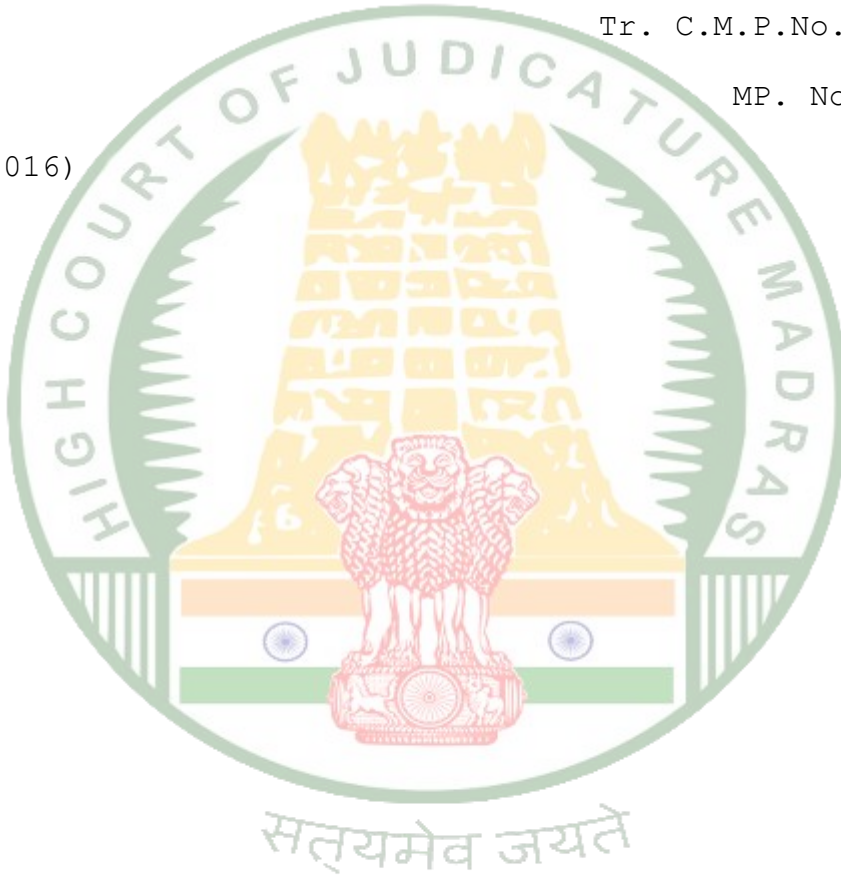
To

The Principal Judge,
Family Court,
Chennai.

+1cc to M/s.Karan and Uday, Advocate, S.R.No.56964
+1cc to Mr.M.Suresh, Advocate, S.R.No.56904

Tr. C.M.P.No.448 of 2015
and
MP. No. 1 of 2015

AD(CO)
CA(08/11/2016)



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