

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2016

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN

Transfer CMP.No.452 of 2015
and
M.P.No.1 of 2015

P.Menaka

... Petitioner

Vs.

P.Vijayakumar

.... Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the HMOP No.38 of 2014 pending on the file of the Subordinate Court, Palani and transfer the same to the Family Court, Coimbatore.

For Petitioner : Mr.E.K.Kumaresan

For Respondent : Mr.M.Govindaraju

O R D E R

The respondent in HMOP No.38 of 2014 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 instituted proceedings in HMOP No.38 of 2014, praying for a decree of divorce. The petitioner on appearance before the Sub-Court filed this petition for transfer.

4. The learned counsel for the respondent submitted that the original petition is now in part-heard stage and as such, it would not be in the interest of the respondent to transfer the proceedings.

5. The matter is now pending on the file of Sub-Court, Palani. There would not be any difficulty for the respondent to appear before the Court at Coimbatore. The petitioner is at the mercy of her parents. According to the petitioner, it would not be possible for her to defend the proceedings before the Court at Palani.

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. I am therefore of the view that the transfer petition deserves to be allowed.

8. In the result, the proceedings in H.M.O.P.No.38 of 2014 is withdrawn from the file of the Sub-Court, Palani, and is transferred to the file of the Family Court, Coimbatore, for disposal on merits.

9. The learned Judge, Family Court, Coimbatore is requested to dispose of the matrimonial proceedings as expeditiously as possible.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

svki

To

1.The Sub-Court,
Palani.

2.The Family Court,
Coimbatore.

+1cc to Mr.E.K.Kumaresan, Advocate, S.R.No.54593
+1cc to Mr.M.Govindaraju, Advocate, S.R.No.54593

Transfer C.M.P.No.452 of 2015

RK(CO)
CA(26/10/2016)