

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **12.09.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

Transfer CMP No.50 of 2015 and
MP.No.1 of 2015

Roopa Thangam

...Petitioner

versus

Ashok Y.Raja

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw OP No.202 of 2014 on the file of the I Additional Family Court, Chennai and transfer the same to the file of the Principal District Court, Virudhunagar District at Srivilliputhur.

For Petitioner : Mr.R.Venkatesh

For Respondent : No appearance

ORDER

The respondent filed an original petition in O.P.No.202 of 2014 before the I Additional Family Court at Chennai for divorce. The petitioner entered appearance and thereafter, filed this transfer petition.

2. The petitioner has already filed a maintenance case in M.C.No.7 of 2014 before the Judicial Magistrate at Rajapalayam. The petitioner is a permanent resident of Virudhunagar.

3. The petitioner in the affidavit filed in support of the transfer petition contended that it would not be possible for her to appear before the Court at Chennai after travelling about 600 kms. There is nothing on record to disbelieve the version given by the petitioner for transfer.

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. The petitioner has produced materials before this Court to demonstrate that it would not be possible for her to come over to Chennai and prosecute the proceedings. I am therefore of the view that the transfer petition deserves to be allowed.

6. In the result, the proceedings in O.P.No.202 of 2014 is withdrawn from the file of I Additional Family Court, Chennai, and is transferred to the file of Principal District Court, Virudhunagar at Srivilliputhur, for disposal on merits.

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

12.09.2016

Index:Yes/No
svki

To

- 1.The I Additional Family Court, Chennai
- 2.The Principal District Court, Virudhunagar at Srivilliputhur

K.K.SASIDHARAN,J.

(svki)

Transfer CMP No.50 of 2015

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