

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2016

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN

Transfer CMP.No.502 of 2015

and

M.P.No.1 of 2015

N.Sindhushree ...Petitioner

vs.

M.Shanmugarajilu ...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the O.P.No.81 of 2015 pending on the file of the Sub-Court, Namakkal and transfer the same to the Family Court at Chennai.

For Petitioner : Ms.Geetha Ramaseshan

For Respondent : No appearance

O R D E R

The respondent initiated matrimonial proceedings in H.M.O.P No.81 of 2015 against the petitioner before the Subordinate Court, Namakkal. The petitioner, who is a resident of Chennai, is before this Court with a request to transfer the said proceedings, to the file of Family Court, Chennai.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondent, inspite of printing his name in the cause list after service.

3. The petitioner is a resident of Chennai. According to the petitioner, it would not be possible for her to travel from Chennai to Namakkal to defend the proceedings pending before the Subordinate Court, Namakkal. There is nothing on record to suspect the bona fides in filing this Transfer Petition.

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 sufficient materials justifying her request for transfer of the proceedings. I am therefore of the view that the Transfer Petition deserves to be allowed.

6. The proceedings in H.M.O.P.No.81 of 2015, is withdrawn from the file of the Subordinate Court, Namakkal, and is transferred to the file of Family Court, Chennai.

7. The Transfer Civil Miscellaneous Petition is allowed, as indicated above. No costs. Consequently, connected civil miscellaneous petition is closed.

-sd/-

Assistant Registrar

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Sub-Assistant Registrar

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To

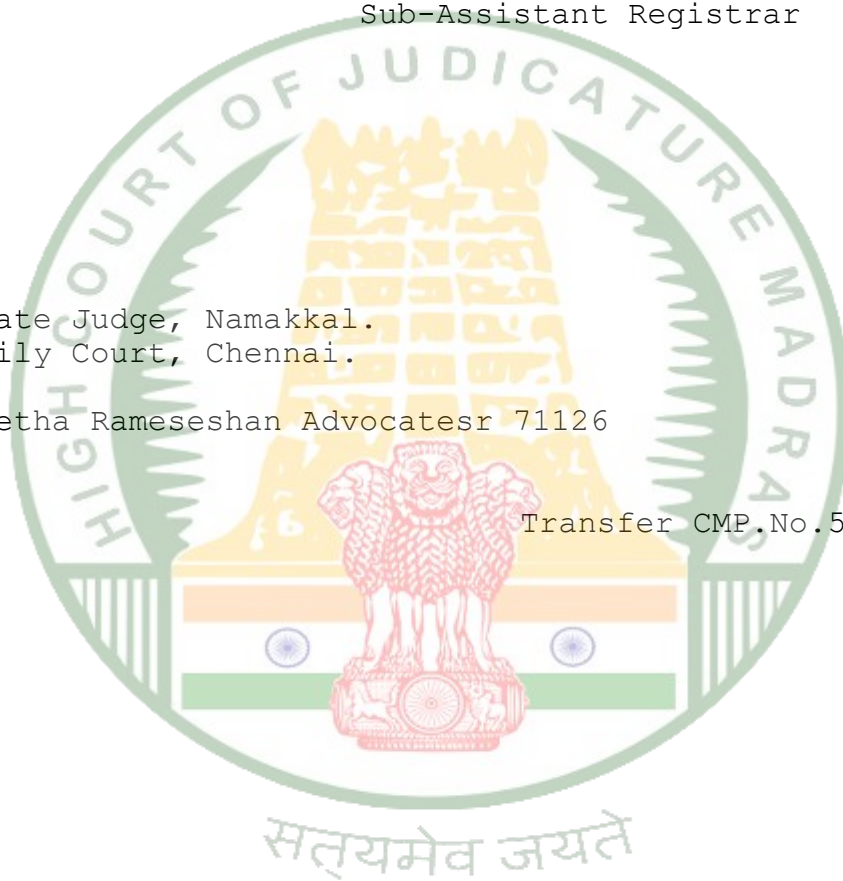
1. The Subordinate Judge, Namakkal.
2. The Judge Family Court, Chennai.

+1 cc to Mrs.Geetha Rameseshan Advocatesr 71126

Transfer CMP.No.502 of 2015

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RD 30/12/2016



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