

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2016

CORAM:

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

Transfer C.M.P.No.560 of 2015

And

M.P.No. 1 of 2015

V.Nandhini

... Petitioner/Respondent

Versus

S.K.Vignesh Athithya

... Respondent/Petitioner

This Petition filed under Section 24 of C.P.C. praying to withdraw O.P.No. 1720 of 2015 on the file of Principal Family Court, Chennai and to transfer the same to the file of Family Court, Erode.

For Petitioner : Mr. V.Anandhamurthy

For Respondent : Mr. J.Saravanavel

O R D E R

The respondent in O.P.No. 1720 of 2015 on the file of Principal Family Court, Chennai, is the petitioner in this Transfer Petition.

2. The respondent initiated a proceeding in O.P.No. 1720 of 2015 before the Principal Family Court, Chennai, praying for a decree of divorce. The petitioner on appearance before the trial Court filed this petition for transfer.

3. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

4. The petitioner is a permanent resident of Erode. The proceeding is now pending before the Family Court at Chennai. According to the petitioner, it would not be possible for her to travel from Erode for the purpose of appearing before the Family Court at Chennai. Moreover, personal appearance before the Family Court is compulsory. The petitioner therefore wanted the proceeding to be transferred to a Court at Erode.

5. 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.

6. The petitioner has produced materials before this Court to establish that it would be difficult for her to appear regularly before the Principal Family Court, Chennai. I am therefore of the view that the matter requires transfer.

7. In the result, the proceedings in O.P.No. 1720 of 2015 is withdrawn from the file of Principal Family Court, Chennai and is transferred to the file of Family Court at Erode.

8. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, connected Miscellaneous Petition is closed.

9. Since the respondent has to appear before the Family Court at Erode regularly, every effort shall be taken by the trial Court to dispose of the proceedings as expeditiously as possible.

vsg

Sd/-
Assistant Registrar (CS-II)
/TRUE COPY/
Sub-Assistant Registrar

To

1. The Principal Family Court, Chennai.
2. The Family Court, Erode.

+1CC to MR.V.SARAVANAVEL Advocate SR.NO.54812

Transfer C.M.P.No.560 of 2015
And
M.P.No. 1 of 2015

PPA[CO]
MK:24/10/2016