

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.59 OF 2015
AND MP NO.1 OF 2015

M.Roslin

... Petitioner

versus

A.Anthony Amalan

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw and transfer IDOP No.425 of 2014 pending on the file of the Principal District Judge, Tuticorin, and transfer the same to the Principal Family Court at Chennai.

For Petitioner	:	No appearance
For Respondent	:	Mr.Kingsly Solomon for M/s.Corner Stone Associates

ORDER

The respondent initiated proceedings in I.D.O.P.No.425 of 2014, before the Principal District Court, Tuticorin, praying for a decree of divorce. The petitioner, who is a resident of Chennai, has come up with this petition for transfer.

2. None appears on behalf of the petitioner. Heard the

learned counsel appearing on behalf of the respondent.

3. The proceedings in I.D.O.P.No.425 of 2014 is now pending on the file of Principal District Court at Tuticorin.

4. The petitioner is residing at Chennai, along with her minor child. The petitioner is depending on her parents, for her maintenance. According to the petitioner, it would be practically impossible for her to travel, all along from Chennai to Tuticorin, for the purpose of defending the proceedings in I.D.O.P.No.425 of 2014.

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 sufficient materials justifying the transfer. In fact, there is nothing on record suspecting the *bonafides* in filing this transfer petition. I am therefore of the view that the transfer petition deserves to be allowed.

7. The proceedings in I.D.O.P.No.425 of 2014 is withdrawn

from the file of Principal District Court, Tuticorin, and is transferred to the file of Principal Family Court, Chennai, for disposal on merits.

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

21.10.2016

Index : Yes/No
Internet : Yes/No
TK

To

1.The Principal District Court
Tuticorin.

2.The Principal Family Court
Chennai.

K.K.SASIDHARAN, J.

TK

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