

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2016

CORAM:

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

Transfer C.M.P.No.619 of 2015

And

M.P.No. 1 of 2015

Mrs.J.Saranya @ Andreyas Petitioner/Respondent

Versus

Mr.J.Andrews Respondent/Petitioner

This Petition filed under Section 24 of C.P.C. praying to withdraw I.D.O.P.No. 43 of 2015 on the file of Principal District Judge at Chengalpattu and transfer the same to the file of Principal District Judge at Thiruvallur.

For Petitioner : Mr.K.Selvaraj
For Respondent : Mr.S.Kasiraja

O R D E R

The petitioner has come up with this Transfer Civil Miscellaneous Petition for withdrawal of the proceedings in I.D.O.P.No. 43 of 2015 on the file of Principal District Judge, Chengalput and to transfer the same to the Court of Principal District Judge at Tiruvallur.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The Transfer Petition is filed primarily on the ground that being a resident of Tiruvallur District, it would not be possible for the petitioner to come over to Chengalpattu for the purpose of defending the proceedings in I.D.O.P.No. 43 of 2015.

4. The Transfer Petition is opposed by the respondent by filing counter. According to the respondent, there is a threat to his life in case the matter is transferred to a Court at Tiruvallur. The respondent further contended that the parents of the petitioner made unreasonable demands for settlement. Since the respondent was not prepared to agree to the terms suggested by the petitioner and her parents, it would be

difficult for him to prosecute the proceedings in case it is transferred to a Court at Tiruvallur.

5. The proceedings in I.D.O.P.No. 43 of 2015 was instituted by the respondent praying for a decree of divorce. The petitioner is a resident of Tiruvallur District. She has to look after her child, aged about two years.

6. According to the petitioner, she has to travel about 58 kms to reach the Court at Chengalpattu. In view of the precarious position, it would not be possible for her to effectively defend the proceedings, in case the same is continued at Chengalpattu.

7. 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.

8. The petitioner has given sufficient reasons for transferring the matter to a Court at Tiruvallur. I am therefore of the view that the transfer petition deserves to be allowed.

9. In the result, the proceedings in I.D.O.P.No. 43 of 2015 is withdrawn from the file of Principal District Judge, Chengalput and is transferred to the file of Principal District Judge at Tiruvallur.

10. The respondent is given liberty to make an application before the Principal District Judge, Tiruvallur, to dispense with his personal appearance subject to the condition that he would appear before the Court on all the effective dates of hearing. In case, any such application is made, the same shall be favourably considered by the Principal District Judge, Tiruvallur, taking into account the apprehension raised by the respondent.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Principal District Court, Chengalput.
2. The Principal District Court, Tiruvallur.

+1cc to M/S.S.Kasirajan, Advocate Sr.54375

+1cc to M/S.K.Selvaraj, Advocate Sr.55042

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srg 01/11/2016



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