

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **30.11.2016**

CORAM:

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

Transfer CMP No.63 of 2015 and
MP.No.1 of 2015

Manju @ Ashwini

...Petitioner

versus

M.Ravi

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw the divorce case in HMOP No.3603 of 2014 pending on the file of III Additional Family Court, Chennai and transfer the same to Family Court at Cuddalore.

For Petitioner : Mr.A.Arasu Ganesan

For Respondent : No appearance

ORDER

The respondent initiated proceedings in HMOP No.3603 of 2014 before the III Additional Family Court at Chennai, praying for a decree of divorce. The petitioner, who is a resident of Karamanikuppam in the district of Cuddalore is before this Court with a request for transfer.

2. Heard the learned counsel for the petitioner. None appears on

behalf of the respondent, in spite of printing his name in the cause list after service.

3. The respondent initiated proceedings for divorce before the III Additional Family Court at Chennai against the petitioner. The petitioner is residing at Karamanikuppam along with her minor child. According to the petitioner, it would not be possible for her to travel all along from Cuddalore to Chennai for the purpose of defending the proceedings in HMOP No.3603 of 2014. It is the grievance of the petitioner that the respondent has not been paying maintenance and as such, she is at the mercy of her parents.

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. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceedings in H.M.O.P.No.3603 of 2014 is withdrawn from the file of III Additional Family Court, Chennai and is transferred to the file of Family Court, Cuddalore, for disposal on merits.

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

30.11.2016

Index:Yes/No
svki

To

- 1.The III Additional Family Court, Chennai
- 2.The Family Court, Cuddalore

K.K.SASIDHARAN,J.

(svki)

Transfer CMP No.63 of 2015

30.11.2016

<http://www.judis.nic.in>