

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2016

CORAM:

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

Tr. C.M.P.No.631 of 2015
and
M.P.No.2 of 2015

D.Priyadharshini

... Petitioner

Versus

R.Krishnan

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. praying to withdraw the case in M.O.P.No.244 of 2015 from the file of the Family Court, Pondicherry and transfer the same to the file of the Family Court at Chennai.

For Petitioner : Mr.G.A.Thiyagarajan

For Respondent : Mr.A.Gokulakrishnan

ORDER

The respondent initiated a proceedings in M.O.P.No.244 of 2015 before the Family Court, Puducherry, praying for a decree of divorce. The petitioner, who is a resident of Krishnapet, Chennai, has come up with this Transfer Petition seeking an order for transfer of proceedings in M.O.P.No.244 of 2015 from the file of Family Court, Pondicherry, to the file of Family Court at Chennai.

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

3. The respondent initiated the proceedings in question before the Family Court at Pondicherry. The petitioner is residing at Chennai along with her two children. It is the grievance of the petitioner that the respondent has not been paying the maintenance either to her or to her children and as such, she is depending her parents for her livelihood. The petitioner contended that it would not be possible for her to travel from Chennai to Pondicherry, for the purpose of defending the proceedings in M.O.P.No.244 of 2015. There is nothing on record to suspect the bona fides in filing the 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. I am therefore of the view that the Transfer Petition deserves to be allowed.

6. The proceedings in M.O.P.No.244 of 2015 is withdrawn from the file of Family Court, Pondicherry and is transferred to the file of Family Court, Chennai, for disposal along with M.C.No.461 of 2015.

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

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Judge,
Family Court,
Pondicherry.
2. The Judge,
Family Court,
Chennai.

+1cc to Mr.G.A.Thiyagarajan, Advocate, S.R.No.61980

+2cc's to Mr.A.Gokulakrishnan, Advocate, S.R.Nos.62034 & 62687

Tr. C.M.P.No.631 of 2015

AK(CO)
CA(29/11/2016)