

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.670 OF 2015

AND

M.P.NO.1 OF 2015

B.Florance Mary

... Petitioner

versus

K.Eliyas Raja

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw the petition I.D.O.P.No.7 of 2014 on the file of Principal District cum Sessions Court, Perambalur and transfer the same to the Additional Mahila Court, Trichy.

For Petitioner : Ms.R.Kamala Rani

For Respondent : Mr.C.D.Johnson

O R D E R

The respondent initiated proceedings in I.D.O.P.No.7 of 2014, before the Principal District and Sessions Court, Perambalur, praying for a decree of divorce.

2. The petitioner, on the other hand, filed a Maintenance Case in M.C.No.44 of 2015, before the Additional Mahila Court, Trichy.

3. The petitioner has come up with this petition for transfer of the matrimonial proceedings in I.D.O.P.No.7 of 2014.

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

5. The petitioner is a resident of Trichy. The matrimonial proceedings is pending before the Court at Perambalur. According to the petitioner, it would not be possible for her to travel from Trichy to Perambalur, along with her disabled child. There is nothing on record to suspect the bonafides in filing this transfer petition.

6. 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.

7. 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.

8. The proceedings in I.D.O.P.No.7 of 2014 is withdrawn from the file of Principal District cum Sessions Court, Perambalur, and is transferred to the file of Family Court at Trichy.

9. There shall be a further direction to withdraw the proceedings in M.C.No.44 of 2015 from the file of the Additional Mahila Court, Trichy and transfer the same to the Family Court at Trichy, for disposal along with I.D.O.P.No.7 of 2014.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

TK

To

1. The Principal District cum Sessions Court
Perambalur.
2. The Additional Mahila Court
Trichy.
3. The Family Court
Trichy.

+1cc to Mr.R.Kamala Rani, Advocate, S.R.No.67315

TR CMP NO.670 OF 2015

CP(CO)
CA(22/12/2016)