

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.688 of 2015 and

MP.No.1 of 2015

M.Suganya

...Petitioner

versus

A.Rajkumar

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw HMOP No.730 of 2015 on the file of learned Additional Family Court, Coimbatore and to transfer the same to the learned Family Court at Salem to try along with FCOP No.311 of 2015.

For Petitioner : No appearance

For Respondent : No appearance

O R D E R

The respondent in HMOP No.730 of 2015 on the file of Additional Family Court at Coimbatore is the petitioner in this transfer petition.

2. The respondent initiated proceedings in HMOP No.730 of 2015 before the Additional Family Court at Coimbatore, praying for a decree of divorce. The petitioner, on the other hand filed FCOP No.311 of 2015 before the Family Court at Salem invoking Section 9 of the Hindu Marriage Act. The proceedings are now pending before the respective Courts. The request now is to transfer the proceedings in HMOP No.730 of 2015 to the Family Court at Salem for disposal along with FCOP No.311 of 2015.

3. 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.

4. The petitioner is a resident of Salem. According to the petition, it would not be possible for her to defend the

proceedings in HMOP No.730 of 2015, which is pending before the Additional Family Court at Coimbatore. There is nothing on record to suspect the bonafides in filing this transfer petition. I am therefore of the view that the transfer petition deserves to be allowed.

5. The proceedings in H.M.O.P.No.730 of 2015 is withdrawn from the file of Additional Family Court, Coimbatore and is transferred to the file of Family Court, Salem, for disposal along with FCOP No.311 of 2015.

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

Sd/
Assistant Registrar CS-III

/True copy/

Sub Assistant Registrar

To

- 1.The Additional Family Court, Coimbatore
- 2.The Presiding Officer, Family Court, Salem

Transfer CMP No.688 of 2015

SDR 12.11.2016

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