

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.706 OF 2015
AND MP NO.1 OF 2015

Muthurani ... Petitioner

versus
S.Vijayakumar ... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the Matrimonial HMOP NO.33 of 2015 pending on the file of Sub Court, Udhagamandalam to the Sub Court at Bhavani.

For Petitioner : Mr.S.P.Yuaraj

For Respondent : No appearance

O R D E R

The respondent instituted proceedings in H.M.O.P.No.33 of 2015, before the Sub Court, Udhagamandalam, Nilgiris District, against the petitioner, praying for a decree of divorce. The petitioner, who is a respondent in the said Original Petition, has come up with this petition 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 petitioner is a resident of Kumarapalayam, in the District of Salem. The respondent instituted a proceedings before the Sub Court, Udhagamandalam. According to the petitioner, she is residing along with her three years old child at Kumarapalayam and as such, it would not be possible for her to travel to Udhagamandalam, for the purpose of defending the proceedings in H.M.O.P.No.33 of 2015.

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 the transfer. In fact, there is nothing on record suspecting the bonafides in filing this transfer petition. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceedings in H.M.O.P.No.33 of 2015 is withdrawn from the file of Sub Court, Udhagamandalam, and is transferred to the file of Sub Court, Bhavani, for disposal on merits.

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

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

TK

To

1.The Judge,
Sub Court
Udhagamandalam.

2.The Judge,
The Sub Court
Bhavani.

1 cc to Mr.S.P. Yuvaraj, Advocate, Sr. 60285

सत्यमेव जयते

TR CMP NO.706 OF 2015

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