

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2016

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN

Transfer CMP.No.708 of 2015 and

M.P.No.1 of 2015

P.Thamizharasi

...Petitioner

vs.

Joshuva Murali alias M.Muralikrishnan

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the I.D.O.P.No.15 of 2015 pending on the file of Family Court at Thiruvallur, and to transfer the same to the Family Court, Chennai.

For Petitioner : Mr.D.Velu

For Respondent : Mr.M.Thirumalai

O R D E R

The respondent in I.D.O.P.No.15 of 2015 on the file of Family Court, Thiruvallur is the petitioner in this transfer petition.

2. The respondent filed proceedings in I.D.O.P.No.15 of 2015 before the Court below, praying for a decree of divorce. The petitioner on appearance before the Trial Court filed this petition for transfer.

3. The transfer petition is opposed by the respondent on the ground that he is a resident of Thiruvallur and it would not be possible for him to appear before the Court at Chennai, in case the matter is transferred from Thiruvallur.

4. The petitioner filed an affidavit along with documents indicating that the respondent is working as an Accountant at Plastometal, No.137, Nainiappan Naicken Street, Chennai.

5. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

6. The petitioner is a resident of Chennai. Though, the respondent is a resident of Thiruvallur, he is working as an Accountant at Chennai.

7. The petitioner has produced materials to show that it would not be possible for her to defend the proceedings before the Court at Thiruvallur. There is nothing on record to disbelieve the case pleaded by the petitioner.

8. 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.

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

10. In the result, the proceedings in I.D.O.P.No.15 of 2015 is withdrawn from the file of the Family Court, Thiruvallur, and is transferred to the file of Family Court, Chennai, for disposal on merits.

11. The Transfer CMP is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Judge Family Court, Thiruvallur.
- 2.The Judge Family Court, Chennai.

+1 cc to Mr.D.Velu Advocate sr 54773

Transfer CMP.No.708 of 2015

aa21/10/2016