

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR.CMP NO.717 OF 2015

AND

M.P NO.1 OF 2015

B.Yasodha

... Petitioner

versus

J.J.Rajkumar

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw H.M.O.P.No.129 of 2015 from the file of Family Court, Dindigul and transfer the same to the file of Sub Court, Arni, Thiruvannamalai District.

For Petitioner : Mr.G.Saravanan

For Respondent : No appearance

O R D E R

The respondent instituted a proceedings in H.M.O.P. No.129 of 2015, before the Family Court, Dindigul, praying for a decree of divorce. The petitioner, on receipt of notice from the Trial Court, filed 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 proceedings instituted by the respondent in H.M.O.P.No.129 of 2015 is now pending before the Family Court, Dindigul.

4. The petitioner is a permanent resident of Kosapalayam in the District of Thiruvannamalai. According to the petitioner, it would not be possible for her to appear before the Family Court at Dindigul, as she is residing far away from Dindigul.

5. 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.

6. 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.

7. The proceedings in H.M.O.P.No.129 of 2015 is withdrawn from the file of Family Court, Dindigul, and is transferred to the file of Sub Court, Arni, Thiruvannamalai District, for disposal on merits.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

TK

To

1. The Family Court
Dindigul.
2. The Sub Court
Arni,
Thiruvannamalai District.

+1cc to Mr.G.Saravanan, Advocate, S.R.No.59345

TR.C.M.P NO.717 OF 2015

NM(CO)
CA(22/11/2016)

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