

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **17.10.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

Transfer CMP No.72 of 2015 and
MP.No.1 of 2015

G.Rajeswari

...Petitioner

versus

K.Ganesh Babu

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw HMOP No.722 of 2014 from the Family Court at Tiruchirapalli and transfer the same to the Principal Subordinate Court at Mayiladuthurai.

For Petitioner : Ms.R.Arunmozhi

For Respondent : Mr.V.Bhiman

ORDER

The respondent in HMOP No.722 of 2014 on the file of Family Court at Tiruchirapalli is the petitioner in this transfer petition.

2. The respondent initiated a proceedings in HMOP No.722 of 2014 before the Court below praying for a decree of divorce. The petitioner on receipt of court notice filed this petition for transfer.

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

4. The proceedings for divorce is now pending before the Family Court at Tiruchirapalli. The petitioner is a resident of Nagapattinam. According to the petitioner, it would be practically impossible for her to appear before the Family Court at Tiruchirapalli for the purpose of defending the proceedings in HMOP No.722 of 2014. There is nothing on record to disbelieve the case pleaded by the petitioner.

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 of proceedings from Tiruchirapalli to Mayiladuthurai. I am therefore of the view that the transfer petition deserves to be allowed.

7. The proceedings in H.M.O.P.No.722 of 2014 is withdrawn from the file of Family Court, Tiruchirapalli and is transferred to the file

of Principal Subordinate Court, Mayiladuthurai, for disposal on merits.

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

17.10.2016

Index:Yes/No
svki

To

- 1.The Family Court, Tiruchirapalli
- 2.The Principal Subordinate Court, Mayiladuthurai

K.K.SASIDHARAN,J.

(svki)

Transfer CMP No.72 of 2015

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