

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.726 of 2015 and

MP.No.1 of 2015

V.Saranya

...Petitioner

versus

T.Nagarajan

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the case pending in OP No.5012 of 2014 from the file of III Additional Family Court, Chennai to Principal District Family Court at Thiruvallur.

For Petitioner : Mr.S.Ravichandran

For Respondent : No appearance

O R D E R

Heard the learned counsel for the petitioner.

2. None appears on behalf of the respondent inspite of printing the name of the counsel in the cause list.

3. The respondent initiated proceedings against the petitioner in O.P.No.5012 of 2014 before the III Additional Family Court, Chennai, praying for a decree of restitution of conjugal rights.

4. The respondent on appearance before the Trial Court filed this petition for transfer.

5. The petitioner is a resident of Thomur Village, Thiruvallur District, which is about 80 kms from Chennai. According to the petitioner, it would not be possible for her to appear before the Court at Chennai from Tiruvallur and defend the proceedings. There is nothing on record to disbelieve the version given by the petitioner in this transfer petition.

6. Moreover, 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.

7. The petitioner has produced materials to prove that it would not be possible for her to defend the proceedings, in case, the same is allowed to be continued at Chennai. I am therefore of the view that the original petition requires to be transferred to a Court in the district of Tiruvallur.

9. In the result, the proceedings in O.P.No.5012 of 2014 is withdrawn from the file of III Additional Family Court, Chennai and is transferred to the file of Principal District Family Court, Tiruvallur for disposal on merits.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The III Additional Family Court, Chennai
- 2.The Principal District Family Court, Tiruvallur

Transfer CMP No.726 of 2015

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