

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.748 of 2015 and

MP.No.1 of 2015

G.Sathya ...Petitioner  
versus  
N.Nammazhavar ...Respondent

**PRAYER:** Tr.C.M.P. filed under section 24 of C.P.C., to transfer the proceedings pending in FCOP No.244 of 2015 on the file of learned Family Judge, Chengalpet to the learned Family Court, Villupuram.

For Petitioner : Mr.N.Suresh  
For Respondent : Mr.M.Saravanakumar

**O R D E R**

The respondent initiated proceedings in FCOP No.244 of 2015 before the Family Court, Chengalpet praying for a decree of divorce. The petitioner, who is the respondent in the said petition has come up with this petition for transfer.

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

3. The matrimonial proceedings initiated by the respondent is pending on the file of Family Court, Chengalpet. The petitioner is a resident of Villupuram. According to the petitioner, it would not be possible for her to appear before the Court at Chengalpet for the purpose of defending the proceedings in FCOP No.244 of 2015. There is nothing on record to suspect the bonafides in filing this transfer petition.

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 is residing at Villupuram along with her minor child born on 09.01.2011. The petitioner is therefore perfectly correct in her contention that it would not be possible

for her to appear before the Court at Chengalpet along with her child. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceedings in F.C.O.P.No.244 of 2015 is withdrawn from the file of Family Court, Chengalpet and is transferred to the file of Family Court, Villupuram, for disposal on merits.

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

svki

Sd/-  
Assistant Registrar (CS- )

/TRUE COPY/

Sub-Assistant Registrar

To

1.The Presiding Officer,  
Family Court, Chengalpet

2.The Presiding Officer,  
Family Court, Villupuram

+1 CC Mr.N.Suresh Advocate SR.No.57975

+1 CC Mr.M.Saravanakumar Advocate SR.No.57717

Transfer CMP No.748 of 2015

GMI

MSI 26/10/2016

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