

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.749 of 2015 and

MP.No.1 of 2015

Bhuvaneswari

...Petitioner

versus

M.Vijay

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw FCOP No.563 of 2015 from the file of Principal Family Court, Chennai and transfer the same to the file of Principal Sub Court, Mayiladuthurai.

For Petitioner : Mr.S.Sounthar
For Respondent : Mr.S.Dhanaraj

O R D E R

The respondent in FCOP No.563 of 2015 on the file of Principal Family Court at Chennai is the petitioner in this transfer petition.

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

3. The respondent initiated proceedings for divorce against the petitioner in FCOP No.563 of 2015 before the Family Court at Chennai. The petitioner on appearance before the Family Court, filed this petition for transfer.

4. The petitioner is stated to be a permanent resident of Thiruvengadu in the district of Nagapattinam. The proceedings is now pending before the Principal Family Court, Chennai. According to the petitioner, it would not be possible for her to come over to Chennai from Nagapattinam for the purpose of defending the proceedings.

5. There is nothing on record to disbelieve the version made by the petitioner in this transfer petition. I am therefore of the view that the petitioner has made out a case for transfer.

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. In the result, the proceedings in FCOP No.563 of 2015 is withdrawn from the file of Principal Family Court, Chennai and is transferred to the file of Principal Sub-Court, Mayiladuthurai.

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

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1.The Principal Family Court, Chennai

2.The Principal Sub-Court, Mayiladuthurai

+1 cc to M/s.S.Sounthar, advocate,sr.54831.

Cnr(co)
krd 24/10

Transfer CMP No.749 of 2015

सत्यमेव जयते

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