

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.752 OF 2015
AND M.P.NO.1 OF 2015

Malarvizhi ... Petitioner
versus
Dr.P.Paramesh ... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the HMOP No.211 of 2015 from the Family Court, Pondicherry and to transfer the same to the file of Family Court, Chennai.

For Petitioner : Mr.S.Muthukumar

For Respondent : Mr.I.Abrar Md. Abdullah

O R D E R

The respondent in H.M.O.P.No.211 of 2015 on the file of Family Court at Pondicherry is the petitioner in this transfer petition.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The respondent initiated proceedings in H.M.O.P.No.211 of 2015 before the Family Court, Pondicherry invoking Section 9 of the Hindu Marriage Act, 1955.

4. The petitioner, who is a resident of Chennai, has come up with this transfer petition, with a grievance that it would not be possible for her to defend the proceedings in H.M.O.P.No.211 of 2015, in view of the distance factor. There is nothing on record to suspect the bonafides in filing this transfer petition.

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. I am therefore of the view that the transfer petition deserves to be allowed.

7. The proceedings in H.M.O.P.No.211 of 2015 is withdrawn from the file of Family Court, Pondicherry and is transferred to the file of Principal Family Court, Chennai.

8. The learned counsel for the respondent submitted that the respondent is a Dentist and running a dental clinic at Pondicherry and as such, it would be difficult for him to appear before the Court at Chennai to defend his case.

9. The respondent is given liberty to file appropriate application before the Trial Court, to dispense with his personal appearance, on the normal dates of hearing, subject to the condition that he would appear on all the effective dates of hearing. In case, any such application is filed, the same shall be considered by the learned Trial Judge, taking into account the preoccupation of the respondent at Pondicherry.

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

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

TK

To

1.The Judge,
Family Court
Pondicherry.

2.The Principal Judge
Family Court
Chennai.

1 cc to Mr.S. Muthukumar, Advocate, Sr. 58885

1 cc to Mr.I. Abrar Md. Abdullah, Advocate, Sr. 59148

TR CMP NO.752 OF 2015

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