

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.753 of 2015 and

MP.No.1 of 2015

R.Neelavathy

...Petitioner

versus

Rajendran

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw HMOP No.125 of 2015 on the file of Principal Subordinate Court, Mayiladuthurai and transfer the same to proceed along with HMOP No.75 of 2015 on the file of Subordinate Court, Mannargudi.

For Petitioner : Mr.M.Senthil
For Respondent : No appearance

O R D E R

Heard the learned Counsel for the petitioner. None appears for the respondent, inspite of printing his name in the cause list after service.

2. The petitioner initiated proceedings in O.P.No.75 of 2015 before the Sub-Court at Mannargudi, invoking Section 9 of the Hindu Marriage Act. The respondent, on the other hand, filed a divorce petition in HMOP No.125 of 2015 before the Principal Sub-Court at Mayiladuthurai. The proceedings are pending before the respective courts.

3. The petitioner, who is a resident of Thiruvavur has come up with this petition with a plea for transferring the matter to the Sub-Court at Mannargudi on the ground that it would not be possible for her to appear on all the dates of hearing before the Sub-Court at Mayiladuthurai. There is nothing on record to disbelieve the case pleaded by the petitioner.

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 has produced sufficient materials to demonstrate that it would not be possible for her to defend the proceedings in HMOP No.125 of 2015 in case the same is continued at Mayiladuthurai. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceedings in HMOP No.125 of 2015 is withdrawn from the file of Principal Sub-Court, Mayiladuthurai and is transferred to the file of Sub-Court, Mannargudi, for disposal on merits along with HMOP No.75 of 2015.

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

svki

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1.The Principal Subordinate Judge,
Mayiladuthurai

2.The Subordinate Judge,
Mannargudi

+ 1 cc to Mr.M.Senthil, Advocate Sr.No.57970

Transfer CMP No.753 of 2015

EU(CO)

RRI 15/11/2016

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