

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.755 of 2015 and

MP.No.1 of 2015

J.Priya

...Petitioner

versus

Senthilkumaran

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the petition HMOP.NO.84/2015 pending on the file of the Hon'ble Family Court, Villupuram from the file of the said Hon'ble Court and transfer the same to the file of the Hon'ble Family Court, Chennai or any other competent court.

For Petitioner : Mr. P.Amarnath

For Respondent : No appearance

O R D E R

The respondent initiated proceedings in HMOP.No.84 of 2015 on the file of Family Court at Villupuram. The petitioner, on receipt of notice from the Family Court, filed this petition for transfer.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondent.

3. The proceeding in HMOP No.84 of 2015 was filed by the respondent, praying for a decree of divorce. The petitioner is a permanent resident of Kaladipet at Chennai. According to the petitioner, it would not be possible for her to appear before the Family Court at Villupuram for the purpose of defending the proceedings in HMOP No.84 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 has produced sufficient materials justifying transfer of the proceedings. I am therefore of the view that the transfer petition deserves to be allowed.

6. In the result, the proceedings in HMOP No.84 of 2015 is withdrawn from the file of Family Court at Villupuram and is transferred to the file of Principal Judge, Family Court at Chennai for disposal on merits.

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

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

ajr

To

1. Family Court, Villupuram
2. Family Court, Chennai

1 cc to Mr.P. Amarnath, Advocate, Sr. 57609

Transfer CMP No.755 of 2015

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