

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.756 of 2015 and
MP.No.1 of 2015

S.Divya ...Petitioner/Petitioner/Respondent

versus

K.Selvakumar ...Respondent /Respondent/Petitioner

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the divorce case in H.M.O.P.No.251 of 2015 pending on the file of the Family Court, Erode and transfer the same to Chief Judicial Magistrate at Cuddalore.

For Petitioner : Mr.A.Arasu Ganesan

For Respondent : No appearance

O R D E R

The respondent initiated a proceedings in H.M.O.P.No.251 of 2015, against the petitioner invoking section 9 of the Hindu Marriage Act, 1955. The petitioner on receipt of notice from the trial Court, filed this Transfer CMP.

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

3.The proceedings in H.M.O.P.No.251 of 2015, is now pending before the Family Court, Erode. The petitioner is a resident of Cuddalore. According to the petitioner, it would not be possible for her to travel from Cuddalore to Erode to attend the proceedings.

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 given sufficient materials to justify the transfer. I am therefore of the view that the Transfer Petition deserves to be allowed.

6.The proceedings in H.M.O.P.No.251 of 2015 is withdrawn from the file of Family Court, Erode and is transferred to the file of Chief Judicial Magistrate, Cuddalore, for disposal on merits.

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

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1.The Judge,
Family Court,
Erode.

2.The Chief Judicial Magistrate,
Cuddalore.

+1cc to Mr.A.Arasu Ganesan, Advocate Sr.58515

सत्यमेव जयते

Transfer CMP No.756 of 2015

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srg 02/12/2016

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