

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.759 of 2015 and
MP.No.1 of 2015

A.Vidhyabai ...Petitioner/ Respondent

versus

S.Kishorekumar ...Respondent/ Petitioner

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw and transfer the above FCOP No.271 of 2015 on the file of Family Court, Chengalpet to Family Court, Trichy.

For Petitioner : Mr.N.Nithianandam

For Respondent : Ms.R.Mayasundari

O R D E R

The respondent instituted a proceedings in FCOP No.271 of 2015 before the Family Court at Chengalpet, praying for a decree of divorce. The petitioner, who is a resident of Trichy has come up with this petition for transfer.

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

3. The transfer petition is opposed by the respondent on the ground that being an employee of TVS Logistics Service Limited at Mahendra City, Chengalpet, it would not be possible for him to appear before the Court at Trichy, in case, the matter is transferred from Chengalpet to Trichy.

4. The proceedings in FCOP No.271 of 2015 is now pending before the Family Court at Chengalpet. The petitioner is stated to be a resident of K.K.Nagar, Udhayampatti in the district of Trichy. According to the petitioner, it would be very difficult for her to travel from Trichy to Chengalpet for the purpose of defending the proceedings in FCOP No.271 of 2015.

5. The petitioner is unemployed. The respondent is employed in TVS Logistics Service Limited at Mahendra City, Chengalpet. The petitioner is justified in her contention that it would be very difficult for her to defend the proceedings, in case, the same is continued before the Family Court at Chengalpet.

6. 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. The petitioner has produced sufficient materials justifying her request for transfer. I am therefore of the view that the transfer petition deserves to be allowed.

8. The proceedings in F.C.O.P.No.271 of 2015 is withdrawn from the file of Family Court, Chengalpet and is transferred to the file of Family Court, Trichy, for disposal on merits.

9. The learned Judge, Family Court, Trichy, is directed to dispose of the matrimonial proceedings as expeditiously as possible.

10. The Transfer Civil Miscellaneous Petition is allowed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

svki

To

1.The Judge,
Family Court, Chengalpet

2.The Judge,
Family Court, Trichy

1 cc to Mr.N., Nithianandam, Advocate, Sr. 64581
1 cc to Ms.R. Mayasundari, Advocate, Sr. 64900

Transfer CMP No.759 of 2015

VGI (CO)
kk 7/12