

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.769 OF 2015
AND MP NO.1 OF 2015

Sangeetha ... Petitioner

versus

R.Muralidharan ... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw and transfer the H.M.O.P.No.37 of 2012 from the file of the Sub Court, Rasipuram, Namakkal District to the Family Court, Trichy.

For Petitioner : Mr.C.Prakasam
For Respondent : Mr.S.Kalyanasundaram

O R D E R

The respondent instituted a proceedings in H.M.O.P.No.37 of 2012, before the Sub Court, Rasipuram, Namakkal District, praying for a decree of divorce.

2. The petitioner, on receipt of summons from the Trial Court has been appearing in the Sub Court, Rasipuram, for the last four years. According to the petitioner, it would be very difficult for her to appear before the Sub Court at Rasipuram, from Thottiyam, in the District of Trichy, along with her minor child. The petitioner, has come up with this petition, for transfer.

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

4. The proceedings instituted by the respondent in H.M.O.P.No.37 of 2012 is pending on the file of Sub Court, Rasipuram, for the last four years. It is the grievance of the petitioner that she has been attending the Court at Rasipuram, with considerable difficulties. It is not possible for her to attend the Court anymore.

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 transfer. In fact, there is nothing on record suspecting the bonafides in filing this transfer petition. I am therefore of the view that the transfer petition deserves to be allowed.

7. The proceedings in H.M.O.P.No.37 of 2012 is withdrawn from the file of Sub Court, Rasipuram, and is transferred to the file of Family Court, Trichy, for disposal on merits.

8. The learned counsel for the respondent expressed certain difficulties on account of the employment of the respondent at Rasipuram.

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 Rasipuram.

10. Since the matter is of the year 2012, the learned Trial Judge is requested to dispose of the matter, as expeditiously as possible, and in any case, on or before 31.03.2017.

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

Sd/-

सत्यमेव जयते
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

TK

To

- 1.The Sub Judge,
Rasipuram, Namakkal District.
2.The Judge, Family Court
Trichy.

1 cc to M/s. S. Kalyanaraman, Advocate Sr.59371

TR CMP NO.769 OF 2015

ALG(CO)

Eu 2.12.16

<https://hcservices.ecourts.gov.in/hcservices/>