

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.774 of 2015 and

MP.No.1 of 2015

M.Saraswathi

...Petitioner

versus

M.Murugababu

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw HMOP No.183 of 2014 from the file of Subordinate Court, Pollachi and transfer the same to the file of Family Court, Salem.

For Petitioner : Mr.D.Shivakumaran

For Respondent : Mr.R.Nandhakumar

O R D E R

The respondent initiated proceedings in HMOP No.183 of 2014 before the Sub-Court at Pollachi, praying for a decree of divorce. The petitioner, on receipt of notice from the Trial Court filed this petition for transfer.

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

3. The petitioner is a permanent resident of Pollachi. According to the petitioner, she is presently residing at Salem along with her parents. The respondent is a resident of Mettur and is working at Pollachi. It is the grievance of the petitioner that it would not be possible for her to travel from Salem to Pollachi for the purpose of defending the proceedings in HMOP No.183 of 2014.

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 respondent, in his counter affidavit contended that it was only to harass him, the petitioner has filed this petition for transfer.

6. The respondent is a Police Constable. He would be in a position to appear before the Family Court, in case, the matter is referred to the Family Court at Salem. I am therefore of the view that the transfer petition deserves to be allowed.

7. The proceedings in H.M.O.P.No.183 of 2014 is withdrawn from the file of Sub-Court, Pollachi and is transferred to the file of Family Court, Salem, for disposal on merits.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

svki

To

- 1.The Sub-Judge Pollachi
- 2.The Judge Family Court, Salem

+1 cc to M/s.R.Nandakumar Advocate sr 63195

+1 cc to Mr.D.Shivakumaran Advocate sr 62737

Transfer CMP No.774 of 2015

rk(co)

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