

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.781 of 2015 and
MP.No.1 of 2015

K.Anandhavalli ...Petitioner/Respondent
versus

E.KesavanRespondent/Petitioner

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to transfer the OP No.1107 of 2013, pending on the file of III Additional Family Court, Chennai to the file of the Family Court, Chengalpet.

For Petitioner : Mr.S.Sairaman
For Respondent : No appearance

O R D E R

The petitioner has filed this transfer petition to transfer the proceedings in O.P.No.1107 of 2013 pending on the file of III Additional Family Court, Chennai to the file of Family Court, Chengalpattu.

2. Heard the learned counsel appearing for the petitioner. None appears for the respondent inspite of printing his name in the causelist after service.

3. The respondent instituted proceedings in O.P.No.1107 of 2013 before the III Additional Family Court, Chennai against the petitioner herein, praying for a decree of divorce. The petitioner on receipt of summons from the Trial Court has come up with this petition for transfer.

4. The petitioner is said to be a permanent resident of Guduvancheri, Kancheepuram District. According to the petitioner, it would not be possible for her to appear before the III Additional Family Court, Chennai, and defend the proceedings.

5. The petitioner and the respondent are residents of Guduvancheri, Kancheepuram District. The nearest Court is the Family Court at Chengalpet.

6. The petitioner has produced materials to show that in case the matter is taken up before the III Additional Family Court, Chennai, it would not be possible for her to defend the proceedings effectively.

7. 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.

8. There is nothing on record to disbelieve the case pleaded by the petitioner. I am therefore of the view that the petitioner has made out a case for transfer.

9. In the result, the proceedings in OP.No.1107 of 2013 is withdrawn from the file of III Additional Family Court, Chennai and is transferred to the file of Family Court, Chengalpattu for disposal on merits.

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

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

1.The III Additional Family Judge, Chennai

2.The Presiding Officer, Family Court, Chengalpattu.

+1 cc to mr.S.Sairaman,advocate,sr.54879.

Mg(co)
krd 24/10

Transfer CMP No.781 of 2015

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