

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.10.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K. SASIDHARAN

Transfer C.M.P.No.787 of 2015

and M.P. No. 1 of 2015

B.Keerthana

.. Petitioner

Vs

K.Purusothaman

.. Respondent

Prayer: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the H.M.O.P.No.979 of 2015 on the file of the Family Court, Coimbatore and transfer the same to Sub Court, Dharampuram.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.A.V.Raju

ORDER

The petitioner filed this Transfer Civil Miscellaneous Petition to withdraw the proceedings in H.M.O.P.No.979 of 2015 pending on the file of the Family Court, Coimbatore and transfer the same to the file of Sub Court, Dharapuram.

2.The respondent initiated a proceeding in H.M.O.P.No.979 of 2015 against the petitioner before the Family Court at Coimbatore praying for a decree of divorce. The petitioner on receipt of notice, filed this Transfer Civil Miscellaneous Petition.

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

4.The learned counsel for the respondent on instruction submitted that the respondent has no objection in transferring the matter to the file of Sub Court, Dharapuram.

5.The petitioner is a permanent resident of Dharapuram. The proceeding is now pending before the Family Court at Coimbatore. According to the petitioner, it would be difficult for her to appear before the Court at Coimbatore for the purpose of defending the proceedings in HMOP No.979 of 2015. Now that the

respondent is also agreeable for transfer of the matter to a Sub Court, Dharapuram, necessarily, this petition deserves to be allowed.

6. Moreover, 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. In the result, the proceedings in H.M.O.P.No.979 of 2015 is withdrawn from the file of Family Court, Coimbatore and is transferred to the file of Sub Court, Dharapuram for disposal on merits.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Family Court,
Coimbatore.
2. The Subordinate Court,
Dharapuram

+1cc to Mr.M. Guruprasad, Advocate, S.R.No.57326

+1cc to Mr.A.V. Raju, Advocate, S.R.No.57074

lrs (CO)

md(07/11/2016)

Tr.C.M.P.No.787 of 2015
and M.P. No. 1 of 2015