

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.791 of 2015
and
MP.No.1 of 2015

N.Gayathri

... Petitioner

versus

V.Vijayakumar

.... Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw HMOP No.130 of 2015 from the file of the Honourable Subordinate Judge, Ranipet, Vellore District and transfer the same to the file of Honourable Sub Court, Arni, Thiruvannamalai District.

For Petitioner : Mr. G.Saravanan

For Respondent : No appearance

O R D E R

The respondent in HMOP No.130 of 2015 on the file of Subordinate Court at Ranipet is the petitioner in this transfer petition.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondent, inspite of printing his name in the cause list after service.

3. The respondent initiated proceedings in HMOP No.130 of 2015 before the Subordinate Court at Ranipet, praying for a decree of divorce. The petitioner, who is a resident of Thiruvannamalai, has come up with this transfer petition with a grievance that it would not be possible for her to appear before the Court at Ranipet for the purpose of defending the proceedings in HMOP No.130 of 2015. There is nothing on record to suspect the bonafides in filing this transfer petition.

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 petitioner being a resident of Thiruvannamalai is justified in her contention that it would not be possible for her to appear before the Court at Ranipet for the purpose of defending the proceedings in HMOP No.130 of 2015, in case the same is allowed to be continued before the Subordinate Court at Ranipet. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceedings in HMOP No.130 of 2015 is withdrawn from the file of Subordinate court at Ranipet, Vellore District and is transferred to the file of Subordinate Court at Arni in Thiruvannamalai District for disposal on merits.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ajr

To

1. The Subordinate Judge,
Ranipet,
Vellore District.
2. The Sub Judge,
Arni,
Thiruvannamalai District.

+1cc to Mr.G.Saravanan, Advocate, S.R.No.57697

Transfer CMP No.791 of 2015

NM1 (CO)
CA(09/11/2016)