

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.792 of 2015 &

M.P.No.1 of 2015

Santhanalakshmi ...Petitioner

versus

Balasundaram ...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the H.M.O.P.No.51 of 2015, on the file of the Principal Sub-Court, Madurantakam and transferring it to the file of the Family Court at Puducherry.

For Petitioner : Mr.R.Gururaj
For Respondent : No appearance

O R D E R

The respondent in H.M.O.P.No.51 of 2015 on the file of Principal Sub-Court, Madurantakam, is the petitioner in this Transfer Petition.

2.The Petition was filed for a decree of divorce. The petitioner who was arrayed as respondent in H.M.O.P.No.51 of 2015, has come up with this Petition for transfer.

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

4.The proceedings in H.M.O.P.No.51 of 2015, was initiated by the respondent before the Principal Sub-Court, Madurantakam. The petitioner is residing at Puducherry, along with her minor daughter. According to the petitioner, it would not be possible for her to travel all along from Puducherry to Madurantakam, for the purpose of defending the proceedings in H.M.O.P.No.51 of 2015.

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. There is nothing on record to disbelieve the case pleaded by the petitioner. I am, therefore, of the view that the Transfer Petition deserves to be allowed.

7. The proceedings in H.M.O.P.No.51 of 2015, is withdrawn from the file of Principal Sub-Court, Madurantakam and is transferred to the file of Family Court, Puducherry, for disposal on merits.

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 Principal Subordinate judge, Madurantakam.

2. The Judge, Family Court, Puducherry.

+1cc to Mr.R.Gururaj, Advocate SR.No.58672

SDR 12.11.2016

Transfer CMP No.792 of 2015

सत्यमेव जयते

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