

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.794 OF 2015

AND MP NO.1 OF 2015

Premavathi

... Petitioner

versus

Mothilal

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw the F.C.O.P.No.118 of 2014 pending on the file of Family Court at Vellore and transfer the same to Sub Court at Tiruvannamalai.

For Petitioner : Mr.B.Jawahar
For Respondent : Mr.R.Margabandhu
No appearance

O R D E R

The respondent initiated proceedings in F.C.O.P.No.118 of 2014 before the Family Court, Vellore, against the petitioner. It was initiated for a decree of divorce. The petitioner, who is a permanent resident of Thiruvannamalai and working as a Village Administrative Officer, has come up with this petition for transfer.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondent.

3. The petitioner is a permanent resident of Thiruvannamalai. The petitioner is employed as Village Administrative Officer. According to the petitioner, it would be difficult for her to appear before the Family Court, Vellore, for the purpose of defending the proceedings in F.C.O.P.No.118 of 2014.

4. The petitioner has taken up a contention that though the respondent filed a petition before the Family Court, Vellore, he has not been appearing before the Family Court and she was made to appear on multiple occasions.

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. The petitioner has produced sufficient materials justifying her request for transfer. In fact, there is nothing on record suspecting the bonafides in filing this transfer petition. I am therefore of the view that the transfer petition deserves to be allowed.

7. The proceedings in F.C.O.P.No.118 of 2014 is withdrawn from the file of Family Court, Vellore and is transferred to the file of Sub Court, Thiruvannamalai, for disposal on merits.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

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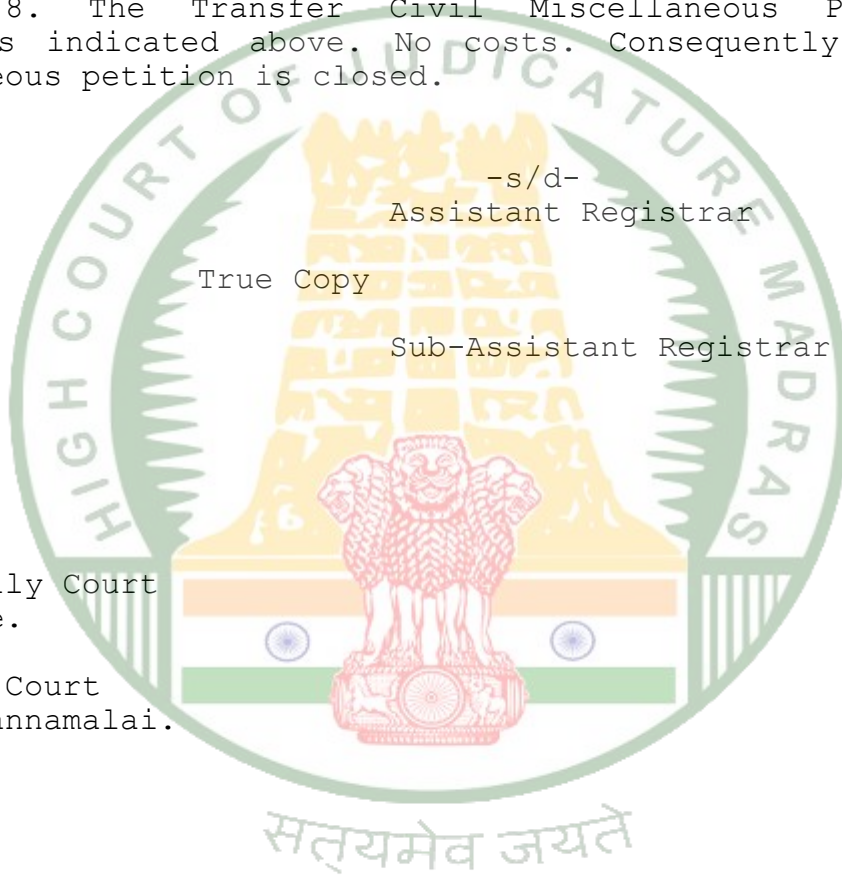
Sub-Assistant Registrar

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To

1.The Family Court
Vellore.

2.The Sub Court
Thiruvannamalai.



TR CMP NO.794 OF 2015

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