

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.801 of 2015
and M.P.No.1 of 2015

Dr.K.V.Latha

.. Petitioner

Vs.

Dr.R.Sivalingam

.. Respondent

Prayer: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the case in H.M.O.P.No.219 of 2005 on the file of Family Court at Tirunelveli and transfer the same to the Family Court at Coimbatore.

For Petitioner : Mr.B.Nedunchezhiyan
For Respondent : Mr.K.Silambarasan

ORDER

The petitioner filed this Transfer Civil Miscellaneous Petition to withdraw the proceeding in H.M.O.P.No.219 of 2005 on the file of Family Court at Tirunelveli and transfer the same to the Family Court at Coimbatore.

2.The respondent initiated a proceeding in H.M.O.P.No. 219 of 2005 before the Family Court at Tirunelveli for a decree of divorce. The petitioner has come up with this transfer petition with a request to transfer the proceedings to the Family Court at Coimbatore.

3.The petitioner is a permanent resident at Coimbatore. The grievance of the petitioner is that, it would be difficult for her to appear before the Family Court at Tiruvelveli, for the purpose of defending the proceeding in H.M.O.P.No.219 of 2005.

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

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. In the result, the proceedings in H.M.O.P.No.219 of 2015 is withdrawn from the file of Family Court, Tirunelveli and is transferred to the file of Family Court, Coimbatore for disposal on merits.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jbm

To

1. The Judge, Family Court,
Tirunelveli.

2. The Judge, Family Court,
Coimbatore.

+1cc to Mr.B.Nedunchezhiyan, Advocate, S.R.No.56979

+1cc to Mr.K.Silambarasan, Advocate, S.R.No.57086

Tr.C.M.P.No.801 of 2015

trm(co)

pmk.12.11.2016

सत्यमेव जयते

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