

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.812 of 2015 and

MP.No.1 of 2015

E.Jothieswari

...Petitioner

versus

J.Palani

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the HMOP No.80 of 2015 from the file of the Sub Court, Arani and transfer the same to the file of the Family Court at Salem.

For Petitioner : Mr. V.Sekar
For Respondent : Mr.T.Balaji

O R D E R

The petitioner has come up with this petition with a request to transfer the proceedings in HMOP.No.80 of 2015 from the file of Sub Court at Arani to the Family Court at Salem.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent.

3. The proceeding in HMOP No.80 of 2015 was instituted by the respondent against the petitioner, praying for a decree of divorce. The petitioner is a permanent resident of Salem. According to the petitioner, it would not be possible for her to appear before the Subordinate Court at Arani for the purpose of defending the proceedings in HMOP No.80 of 2015 and as such the matter requires to be transferred. There is nothing on record to disbelieve the case pleaded by the petitioner in 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 has produced sufficient materials justifying transfer of the proceedings. I am therefore of the view that the present petition deserves to be allowed.

6. The proceedings in HMOP No.80 of 2015 is withdrawn from the file of Subordinate Court at Arani and is transferred to the file of Family Court at Salem for disposal on merits.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

ajr

To

1. Sub Court, Arani
2. Family Court at Salem,

+1cc to Mr.V. Sekar Advocate, S.R.No.57669

+1cc to Mr.T. Balaji, Advocate, S.R.No.57494

RK (CO)

md (10/11/2016)

Transfer CMP No.812 of 2015

सत्यमेव जयते

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