

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2016

CORAM

THE HONOURABLE MS. JUSTICE R.MALA

Tr.C.M.P.No.818 of 2015

and M.P.No.1 of 2015

N.Kayalvizhi

... Petitioner

Vs

T.M.Sembiyan

... Respondent

This Petition filed under Section 24 of Civil Procedure Code to withdraw the case in O.P.No.2479 of 2014 before the I Additional Family Court No.I, Chennai and transfer the same to the Sub-Court, Gobichettipalayam, Erode District.

For Petitioner : Mr.I.C.Vasudevan

For Respondent : No appearance

O R D E R

The wife, who is the respondent in O.P.No.2479 of 2014, has come forward with this petition to transfer the same from the file of the I Additional Family Court, Chennai, to the file of the Sub-Court, Gobichettipalayam, Erode District.

2.Learned counsel for the petitioner submitted that the respondent/husband has filed a petition in O.P.No.2479 of 2014 for declaration that the marriage between the petitioner and respondent as null and void, on the file of the I Additional Family Court, Chennai. It is further submitted that the petitioner/wife is now residing in Sathyamangalam, Erode District, along with her aged mother and that no body is there to accompany her to attend the Court at Chennai for each and every hearing. Therefore, she prays that the case may be transferred from the I Additional Family Court, Chennai, to the file of the Sub-Court, Gobichettipalayam, Erode District.

3.After service of notice, name of the learned counsel for the respondent/husband has been printed in the cause list. When the matter came up for hearing on 19.01.2016, there was no representation for the respondent and hence, the matter was posted today under the caption 'for orders'. Even today, there is no representation on behalf of the respondent.

4. On considering the submission made by the learned counsel for the petitioner and averments made in the petition, by applying the provisions under Section 19(iii) of the Hindu Marriage Act, the petitioner/wife is entitled to get order for transfer the case to the place, where she is residing. Hence, it is a fit case to order transfer. Accordingly, the petition in O.P.No.2479 of 2014 is ordered to be withdrawn from the file of the I Additional Family Court, Chennai and transferred to the file of the Sub-Court, Gobichettipalayam, Erode District, for disposal in accordance with law. The Presiding Officer, I Additional Family Court, Chennai, is directed to transmit all the records pertaining to O.P.No.2479 of 2014 to the file of the Sub-Court, Gobichettipalayam, Erode District, within a period of two weeks from the date of receipt of a copy of this order.

5. Accordingly, this Transfer Civil Miscellaneous Petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

1. I Additional Family Court
Chennai
2. The Sub-Court, Gobichettipalayam,
Erode District.

+1cc to M/S I.C.VASUDEVAN Advocate Sr.4239

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ALA(CO)
RVR 05/02/2016