

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2016

CORAM:

THE HON 'BLE MR. JUSTICE K.K.SASIDHARAN

Transfer Civil Miscellaneous Petition No.821 of 2015
& M.P.No.1 of 2015

Mrs. Guna

... Petitioner

Versus

R.Manikandan

... Respondent

Prayer:- Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.85 of 2015 on the file of the Subordinate Court, Tambaram, and to transfer the same to the Family Court, Salem.

For Petitioner : Mr. P.Jagadeesan

For Respondent : Mr. C.R.Malarvannan

O R D E R

This Transfer Civil Miscellaneous Petition is filed by the respondent in H.M.O.P.No.85 of 2015 for transfer of the matrimonial proceedings to the Family Court at Salem.

2. Heard the learned counsel for the respective parties.

3. The petitioner is a permanent resident of Salem. The petitioner expressed her difficulty in appearing before the Court at Tambaram, for the purpose of defending the proceedings initiated by the respondent. There is nothing on record to suspect the bonafides in filing this petition for transfer.

4. The wife is given a statutory right under Section 19 (iii) of the Hindu Marriage Act, 1955, to file the matrimonial proceedings before the Court in whose jurisdiction she is residing. Such being the statutory position, I am of the view that the Original Petition deserves to be allowed.

5. In the result, the proceedings in HMOP No.85 of 2015 is withdrawn from the file of the Subordinate Court, Tambaram, and is transferred to the file of the Family Court at Salem.

6. The learned counsel for the respondent submitted that there is a fair chance of settling the matter, in case, the Original Petition is referred to Mediation. It is needless to point out that in case, a request is made for sending the matter for mediation, necessarily such request should be favourably considered by the learned trial Judge.

7. The Transfer Civil Miscellaneous Petition is allowed, as indicated above. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

srk

To

1.The Subordinate Judge,
Tambaram.

2.The Family Court Judge,
Salem.

+1cc to Mr.C.R.Malarvannan, Advocate, S.R.No.51097

+1cc to Mr.P.Jagadeesan, Advocate, S.R.No.50787

Tr.C.M.P.No.821 of 2015
&

M.P.No.1 of 2015

KGK (CO)
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