

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.10.2016
CORAM:
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
Transfer CMP No.828 of 2015 and
MP.No.1 of 2015

Shanthi

...Petitioner/Respondent

versus

Shankar

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw and transfer HMOP No.106 of 2015 on the file of the Sub Court, Pollachi to Sub-Court, Perambalur.

For Petitioner : Mr.K.Prabhakar
For Respondent : No appearance

O R D E R

The respondent initiated proceedings in HMOP.No.106 of 2015 before the Subordinate Court at Pollachi. The petitioner, who is a resident of Perambalur, has come up with this petition for transfer.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondent, inspite of printing his name in the cause list after service.

3. The proceeding in HMOP No.106 of 2015 initiated by the respondent is pending on the file of Subordinate Court at Pollachi. The petitioner is a permanent resident of Veppanthattai in the District of Perambalur. According to the petitioner, it would not be possible for her to appear before the Subordinate Court at Pollachi for the purpose of defending the proceedings in HMOP No.106 of 2015. Moreover, the minor child born to the parties is staying with the petitioner at Perambalur. For all these reasons, the petitioner seeks transfer. There is nothing on record to suspect the bonafides in filing 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 given sufficient materials justifying her request for transfer. I am therefore of the view that the transfer petition deserves to be allowed.

6. In the result, the proceedings in HMOP No.106 of 2015 is withdrawn from the file of Subordinate Court at Pollachi and is transferred to the file of Subordinate Court at Perambalur for disposal on merits.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ajr

To

1. Sub Court, Pollachi
2. Sub-Court, Perambalur.

+ cc to M/s.K.Prabhakar Advocate sr 61213

Transfer CMP No.828 of 2015

rsk(co)
aa23/11/2016

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