

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.840 OF 2015
AND M.P.NO.1 OF 2015

S.Amutha

... Petitioner

versus

V.Mohanraj

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw the H.M.O.P.No.255 of 2015 on the file of the Family Court, Erode and transfer the same to the file of Subordinate Court, Karur.

For Petitioner : Mr.P.R.Balasubramanian

For Respondent : Mr.C.S.Saravanan

O R D E R

The respondent initiated proceedings in H.M.O.P.No.255 of 2015 before the Family Court, Erode, praying for a decree of divorce. The petitioner, who was shown as respondent in the said proceedings, has come up with this petition for transfer.

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

3. The proceedings initiated by the respondent is pending on the file of Family Court, Erode. The petitioner is a resident of Karur. According to the petitioner, it would be difficult for her to appear before the Family Court at Erode, on account of distance factor. 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 produced sufficient materials justifying the transfer of proceedings. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceedings in H.M.O.P.No.255 of 2015 is withdrawn from the file of Family Court, Erode and is transferred to the file of Sub Court, Karur, for disposal on merits.

7. The learned counsel for the respondent submitted that the respondent is working as Mailman in R.M.S. at Erode Railway Junction and as such, it would be difficult for him to appear before the Court at Karur, to defend his case.

8. The respondent is given liberty to file appropriate application before the Trial Court, to dispense with his personal appearance, on the normal dates of hearing, subject to the condition that he would appear on all the effective dates of hearing. In case, any such application is filed, the same shall be considered by the learned Trial Judge, taking into account the preoccupation of the respondent at Karur.

9. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

TK
To

1.The Family Court
Erode.

2.The Subordinate Court
Karur.

+1cc to Mr.C.S. Saravanan, Advocate, S.R.No.59512
+1cc to M/s P.R. Balasubramanian, Advocate, S.R.No.59367

SKV(CO)
EU(28/11/2016)

TR CMP NO.840 OF 2015