

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.10.2016

CORAM:

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

Transfer C.M.P.No.845 of 2015
and M.P. No. 1 of 2015

P.Kalaiselvi

... Petitioner

Vs

N.Prasanna

... Respondent

Prayer: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw and transfer the petition in O.P.No.3910 of 2015 from the file of learned III Additional Family Court, Chennai to the Subordinate Court, Dharmapuri, Dharmapuri District.

For Petitioner : Mr.V.Kannadasan

For Respondent : Mr.K.S.Suresh

ORDER

The petitioner filed this Transfer Civil Miscellaneous Petition to withdraw and transfer the petition in O.P.No.3910 of 2015 from the file of the III Additional Family Court, Chennai to the Subordinate Court, Dharmapuri.

2. The respondent instituted a proceeding in O.P.No.3910 of 2015 against the petitioner before the learned III Additional Family Court, Chennai, praying for a decree of divorce. The petitioner, on receipt of notice from the trial Court filed this Transfer Civil Miscellaneous Petition.

3.It is the contention of the petitioner that being a resident of Dharmapuri District, it would not be possible for her to appear before the Family Court at Chennai for the purpose of defending the proceeding in O.P.No.3910 of 2015.

4.The respondent filed a counter affidavit wherein, it was contended that it was only to harass him, the present transfer petition was initiated by the petitioner. According to the respondent, the petitioner is in the habit of making false

complaints against him and the same is evident from the pending complaints before various Courts.

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

6. The proceeding in O.P.No. 3910 of 2015 was preferred by the respondent before the III Additional Family Court, Chennai. The petitioner is a resident of Harur Taluk, Dharmapuri District. It is the grievance of the petitioner that, on account of the distance factor, it would not be possible for her to come over to Chennai for the purpose of appearance in O.P.No.3910 of 2015.

7. 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.

8. The petitioner has produced materials justifying the request for transfer.

9. In the result, the proceeding in O.P.3910 of 2015 is withdrawn from the file of III Additional Family Court, Chennai and is transferred to the file of Subordinate Court, Dharmapuri.

10. The learned Subordinate Judge, Dharmapuri, is directed to refer the matter to Mediation in view of the submission made on behalf of the respondent that there is a chance of settlement. The petitioner shall co-operate for an early disposal of the matter, in case the issue is not settled through mediation.

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

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jbm

To

1. The Judge,
III Additional Family Court
Chennai.

2. The Subordinate Judge,
Subordinate Court,
Dharmapuri.

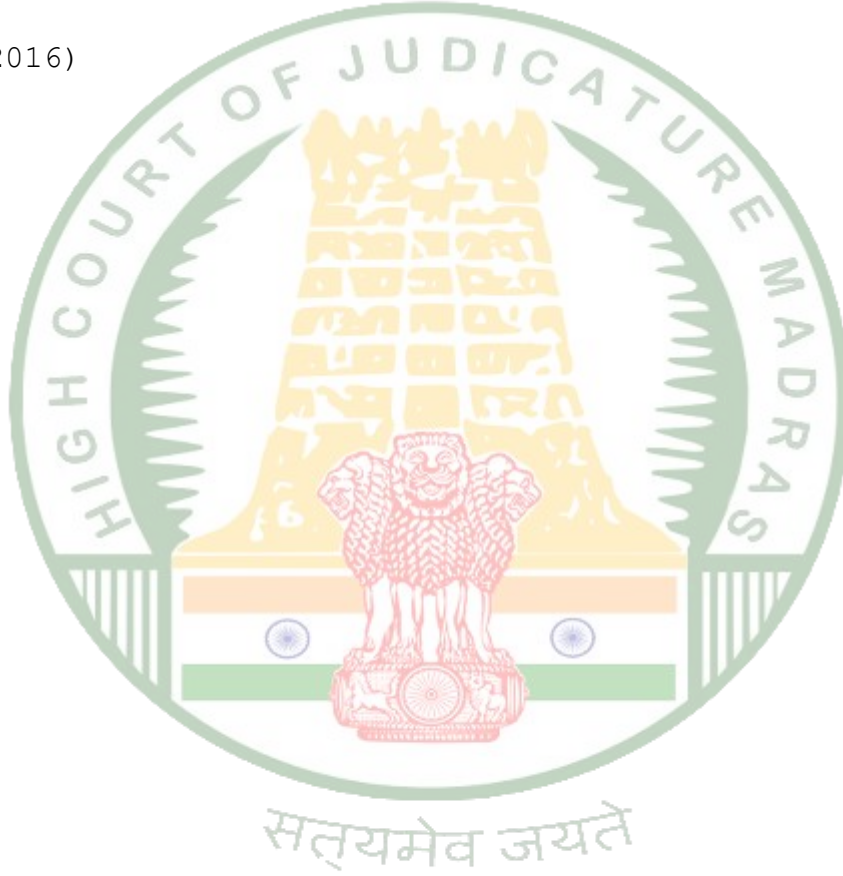
+1cc to Mr.V.Kannadasan, Advocate, S.R.No.57084

+1cc to Mr.K.S.Suresh, Advocate, S.R.No.57323

Tr.C.M.P.No.845 of 2015
and

M.P. No. 1 of 2015

MV (CO)
CA(09/11/2016)



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