

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NOS.846 AND 847 OF 2015

AND M.P.NOS.1 AND 1 OF 2015

S.Lavanya

... Petitioner in
both TR CMPs'

versus

R.Venkateswaran

... Respondent in
both TR CMPs'

PRAYER: Petitions filed under section 24 of the Code of Civil Procedure to withdraw the F.C.O.P.No.114 of 2015 and F.C.O.P.No.550 of 2013 respectively, pending on the file of Family Court, Salem and transfer the same to the file of Subordinate Judge's Court at Namakkal.

For Petitioner : Mr.T.L.Thirumalaisamy
For Respondent : No appearance

COMMON ORDER

The petitioner filed a proceedings in F.C.O.P.No.114 of 2015 before the Family Court, Salem. It was filed under Section 9 of the Hindu Marriage Act, 1955.

2. The respondent filed a proceedings in F.C.O.P.No.550 of 2013 before the Family Court, Salem, praying for a decree of divorce. The proceedings are now pending before the Family Court, Salem.

3. The petitioner subsequently shifted her residence to Namakkal. Thereafter, she filed this transfer petition.

4. Heard the learned counsel appearing on behalf of the petitioner. None appears on behalf of the respondent, in spite of printing his name in the cause list after service.

5. The proceedings in F.C.O.P.Nos.114 of 2015 and 550 of 2013 were initially filed before the Family Court at Salem. Subsequently, the petitioner shifted her residence to Kambar Nagar in Namakkal Taluk. According to the petitioner, it would not be possible for her to appear before the Family Court at Salem, for the purpose of prosecuting the proceedings in F.C.O.P.No.114 of 2015 and defending the proceedings in F.C.O.P.No.550 of 2013. There

is nothing on record to suspect the bonafides in filing these Transfer Civil Miscellaneous Petitions.

6. Section 19(iii-a) of the Hindu Marriage Act, 1955, permits the wife to initiate matrimonial proceedings before the Court in whose jurisdiction she is residing at the time of institution of proceedings.

7. The petitioner has produced sufficient materials justifying the transfer of the proceedings. I am therefore of the view that these transfer petitions deserves to be allowed.

8. The proceedings in F.C.O.P.Nos.550 of 2013 and 114 of 2015, are withdrawn from the file of Family Court, Salem and are transferred to the Sub Court, Namakkal, for disposal on merits.

9. The Transfer Civil Miscellaneous Petitions are allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

TK

Sd/-
Assistant Registrar (CS II)
/TRUE COPY/
Sub-Assistant Registrar

To

1.The Family Court
Salem.

2.The Subordinate Court
Namakkal.

+1CC to MR.VENKATASAMY BABU Advocate SR.NO.59220

RSY[CO]
MK:25/11/2016

TR CMP NOS.846 AND 847 OF 2015

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