

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.874 of 2015 and
MP.No.1 of 2015

R.Suguna ...Petitioner/Respondent

versus

P.Ramesh Babu ...Respondent/Petitioner

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the case in HMOP No.69 of 2015 on the file of the Family Court at Dindigul and to transfer the same to file of Family Court, Chennai.

For Petitioner : No appearance
For Respondent : No appearance

O R D E R

The petitioner filed this petition to withdraw the proceedings in HMOP No.69 of 2015 from the file of Family Court at Dindigul and transfer the same to the file of Family Court at Chennai.

2. The respondent initiated proceedings in HMO.P.No.69 of 2015 before the Family Court at Dindigul praying for a decree of divorce. The petitioner on appearance before the Trial Court filed this petition for transfer.

3. The petitioner in her affidavit filed in support of the transfer petition submitted that that she is travelling about 430 kms to appear before the Court at Dindigul. She is having 3 years old daughter to be looked after by her. According to the petitioner, it would not be possible for her to appear before the Court at Dindigul and prosecute the proceedings. There is nothing on record to disbelieve the case pleaded by the petitioner.

4. Moreover, 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. In view of the factual matrix and taking into account the background facts, I am of the opinion that the matrimonial proceedings pending before the Family Court at Dindigul, deserves to be transferred to the Family Court at Chennai.

6. In the result, the proceedings in HMOP.No.69 of 2015 is withdrawn from the file of Family Court, Dindigul, and is transferred to the file of Family Court, Chennai, for disposal on merits.

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

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

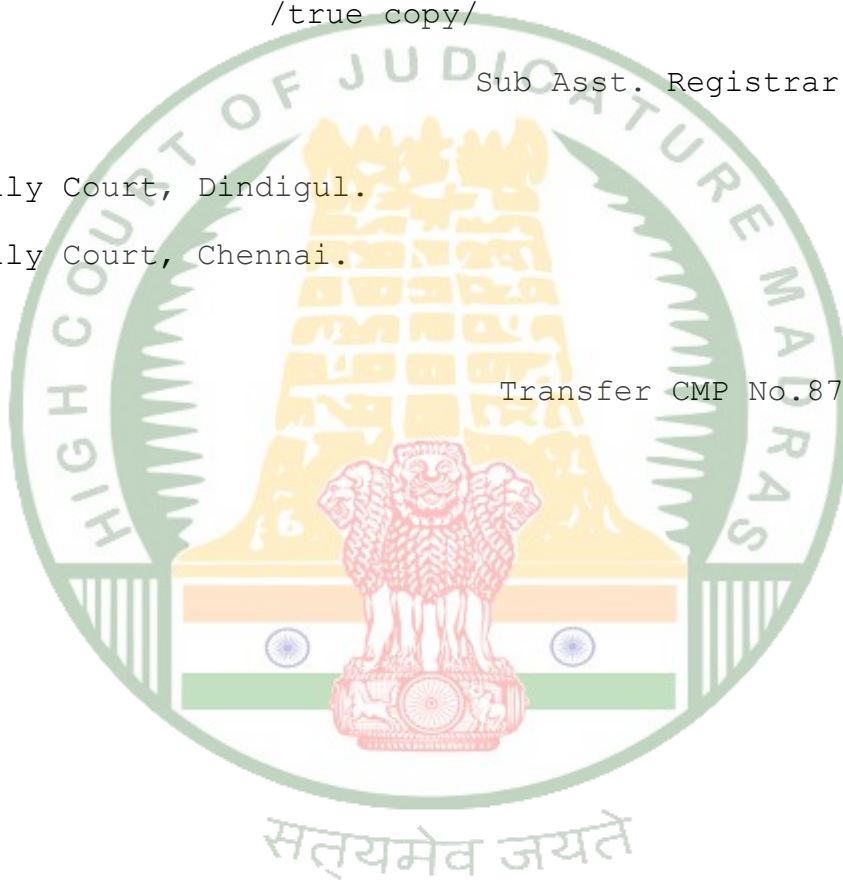
To

1.The Family Court, Dindigul.

2.The Family Court, Chennai.

rvr(co)
krd 7/11

Transfer CMP No.874 of 2015



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