

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.102016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.875 of 2015 &

M.P.No.1 of 2015

Maheswari ...Petitioner / Respondent

versus
Sakthivelan ...Respondent / Petitioner

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the M.O.P.No.320 of 2015, on the file of Family Court, Pondicherry and to transfer the same to the file of Sub-Court, Nagapattinam.

For Petitioner : Mr.M.Thamizhavel
For Respondent : Mr.B.Baskaran

O R D E R

The respondent initiated a proceedings for divorce in M.O.P.No.320 of 2015, before the Family Court Pondicherry.

2.The petitioner who is a respondent in M.O.P.No.320 of 2015, has come up with this Petition for transfer of proceedings to a Court at Nagapattinam.

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

4.The proceedings in M.O.P.No.320 of 2015, is now pending on the file of Family Court, Puducherry. According to the petitioner, she has to maintain her minor child and as such it would be very difficulty to appear before the Court at Puducherry.

5.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.

6. There is nothing on record to disbelieve the case pleaded by the petitioner. I am, therefore, of the view that the Transfer Petition deserves to be allowed.

7. The proceedings in M.O.P.No.320 of 2015, is withdrawn from the file of Family Court, Puducherry and is transferred to the file of Sub-Court, Nagapattinam, for disposal on merits.

The Transfer CMP is allowed as indicated above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar CS-III

/True copy/

Sub Assistant Registrar

To

1. The Judge, Family Court, Pondicherry

2. The Subordinate Judge, Nagapattinam.

+2 cc to Mr.B.Baskaran, Advocate SR.No.59362, 58506

+1cc to Mrs.M.Thenmozhi, Advocate SR.No.58422

Transfer CMP No.875 of 2015

SDR 12.11.2016

सत्यमेव जयते

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