

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2016

CORAM:

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

Transfer C.M.P.No.883 of 2015

D.Kannigaparameswari ... Petitioner/ Respondent

Versus

R.Vijayakumar ... Respondent/ Petitioner

This Petition filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No. 101 of 2014 pending on the file of Sub Court, Ranipet, Vellore District and transfer the same to the file of II Additional Family Court, Chennai to be tried along with O.P.No. 3465 of 2015 now pending on the file of II Additional Family Court, Chennai.

For Petitioner : M/s. K.Bhawatharini

For Respondent : No appearance

O R D E R

Heard the learned counsel for the petitioner.

2. The respondent initially filed H.M.O.P.No. 101 of 2014 before the Sub Court at Ranipet. The proceedings was transferred to the file of Sub Court at Neyveli and it was re-numbered as O.P.No. 10 of 2016.

3. The petitioner filed O.P.No. 3465 of 2015 before the Second Additional Family Court, Chennai, under Section 9 of the Hindu Marriage Act. The petitioner now seeks an order of transfer of the proceedings in O.P.No. 10 of 2016 to the file of Family Court at Chennai.

4. The petitioner is a permanent resident of Egmore, Chennai. The respondent initiated proceedings originally before the Sub Court at Ranipet. Subsequently, it was transferred to the file of Sub Court at Neyveli pursuant to the order dated 14.09.2015 in Tr.C.M.P.No. 663 of 2014.

5. According to the petitioner, it would not be possible for her to appear before the Sub Court, Neyveli, for the purpose of defending the proceedings in O.P.No. 10 of 2016 as she is a resident of Chennai. There is nothing on record to disbelieve the case pleaded by the petitioner.

6. 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.

7. The petitioner has produced materials to demonstrate that she would be put to difficulties in case the proceedings is continued at Neyveli. I am therefore of the view that the Transfer Petition deserves to be allowed.

8. In the result, the proceedings in O.P.No. 10 of 2016 is withdrawn from the file of Sub Court, Neyveli and is transferred to the file of Second Additional Family Court, Chennai for disposal on merits along with O.P.No. 3465 of 2015.

9. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

vsg

To

1. The Sub Court, Neyveli.

2. The Second Additional Family Court, Chennai.

3. The Sub Court, Ranipet,
vellore District

1 cc to M/s.K. Bhavatharini, Advocate, Sr. 56383

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