

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.888 OF 2015
AND MP NO.1 OF 2015

R.Anjalidevi ... Petitioner
versus
K.Thirumaran ... Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code to withdraw and transfer H.M.O.P.No.33 of 2015 pending on the file of the Principal Sub Court, Mayiladuthurai to Principal Sub Court, Thanjavur.

For Petitioner : Mr.N.Sakthivel

For Respondent : No appearance

O R D E R

The respondent instituted a proceedings in H.M.O.P.No.33 of 2015, before the Principal Sub Court, Mayiladuthurai, against the petitioner, praying for a decree of divorce. The petitioner, on receipt of notice from the Trial Court, has come up with this petition for transfer.

2. Heard the learned counsel for the petitioner. There is no representation on behalf of the respondent.

3. The proceedings in H.M.O.P.No.33 of 2015 is now pending on the file of Principal Sub Court, Mayiladuthurai.

4. The petitioner is a resident of Thiruvaiyaru, in the District of Thanjavur. According to the petitioner, it would be very difficult for her to travel to Mayiladuthurai, for the purpose of defending the proceedings in H.M.O.P.No.33 of 2015.

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. The petitioner has produced sufficient materials justifying the transfer. In fact, there is nothing on record suspecting the bonafides in filing this transfer petition. I

am therefore of the view that the transfer petition deserves to be allowed.

7. The proceedings in H.M.O.P.No.33 of 2015 is withdrawn from the file of Principal Sub Court, Mayiladuthurai, and is transferred to the file of Principal Sub Court, Thanjavur, for disposal on merits.

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

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

TK

To

1.The Principal Subordinate Judge
Mayiladuthurai.

2.The Principal Subordinate Judge
Thanjavur.

1 cc to Mr.E. Anbarasan, Advocate Sr. 60911

सत्यमेव जयते

TR CMP NO.888 OF 2015

EV (CO)
kk 29/11

WEB COPY