

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Tr.CMP.No.889 of 2015
and MP.No.1 of 2015

R.Vanitha .. Petitioner/Respondent

Vs.

R.Sathish Kumar ... Respondent/Petitioner

Prayer: Transfer Petition filed under Section 24 of Civil Procedure Code, praying to withdraw the petition in HMOP.No.4318 of 2015 on the file of the III Additional Family Court, Chennai and transfer the same to the Family Court, Coimbatore.

For Petitioner : Mr.S.Gunalan

For Respondent : Mr.S.Giridharan

ORDER

The respondent in HMOP.No.4318 of 2015 on the file of the learned III Additional Family Court, Chennai, is the petitioner in the transfer petition.

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

3. The respondent filed a matrimonial proceedings in HMOP No.4318 of 2015 against the petitioner before the III Additional Family Court, Chennai. The petitioner, on appearance, filed this transfer petition.

4. The counsel for the respondent submitted that the respondent is employed as a Manager in Indian Bank at Chennai, and as such, it would not be possible for him to attend all the hearings, in case the matter is transferred to Coimbatore. The learned counsel submitted that the respondent should be given liberty to make appropriate application before the trial Court

for his appearance only on the effective dates of hearing.

5. The petitioner is a resident of Coimbatore. She is working in a private college at Coimbatore. She is having a three years old son to be maintained by her. According to the petitioner, it would not be possible to come over to Chennai for the purpose of prosecuting the matrimonial proceedings.

6. The wife is given a statutory right under Section 19 (iia) of the Hindu Marriage Act, 1955 to file matrimonial proceedings before the Court under whose jurisdiction she is residing.

7. The petitioner in this case has demonstrated that it would not be possible for her to prosecute the proceedings, in case the matter is taken up by the III Additional Family Court, Chennai.

8. There is nothing on record to suspect the bonafides of the case pleaded by the petitioner.

9. Therefore, I am of the view that the petitioner has made out a case for transfer of matrimonial proceedings to the Family Court, Coimbatore.

10. In the result, the proceedings in HMOP.No.4318 of 2015 is withdrawn from the file of the learned III Additional Family Court, Chennai, and it is transferred to the Family Court, Coimbatore for disposal on merits. It is open to the respondent to move the Family Court at Coimbatore to permit him to appear on the effective dates of hearing alone, in view of his pre-occupation at Chennai.

11. The transfer petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

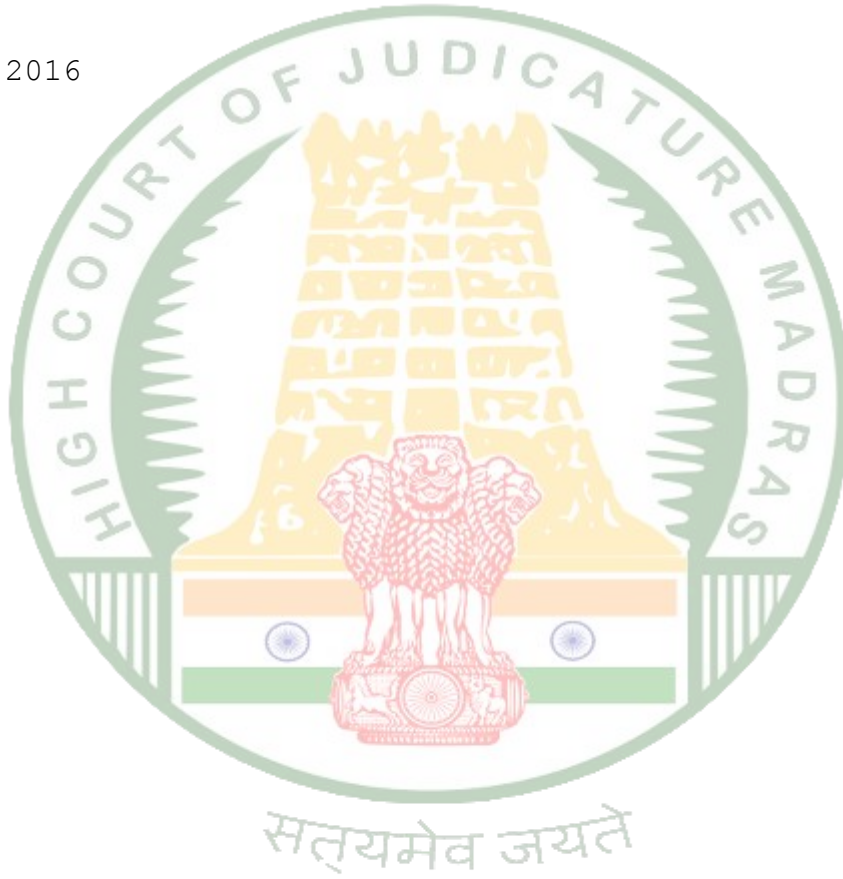
1. The III Additional Family Judge,
Chennai.

2. The Family Judge, Coimbatore.

+ 1 CC to M/s.S.Giritharan, Advocate SR NO 51382[24/10/2016]

Tr.CMP.No.889 of 2015

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