

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.924 of 2015 and

MP.No.1 of 2015

S.Geetha

...Petitioner

versus

M.Senthil Kumar

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw and transfer GWOP No.47 of 2014 on the file of District Court, Ariyalur to the District Court, Thiruvavarur for trial and enquiry in accordance with law.

For Petitioner : Mr.S.Arumugam

For Respondent : No appearance

O R D E R

The respondent initiated proceedings in GWOP No.47 of 2014, before the District Court at Ariyalur. The petitioner, who is shown as the respondent in the said original proceedings has come up with this transfer petition.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondent.

3. The proceedings in GWOP No.47 of 2014 is now pending on the file of District Court, Ariyalur. The petitioner is a permanent resident of Mannarkudi. According to the petitioner, it would not be possible for her to appear before the Court at Ariyalur for the purpose of defending the proceedings in GWOP No.47 of 2014. 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.

4. 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. The proceedings in G.W.O.P.No.47 of 2014 is withdrawn from the file of District Court, Ariyalur and is transferred to the file of District Court, Thiruvavarur for disposal on merits.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

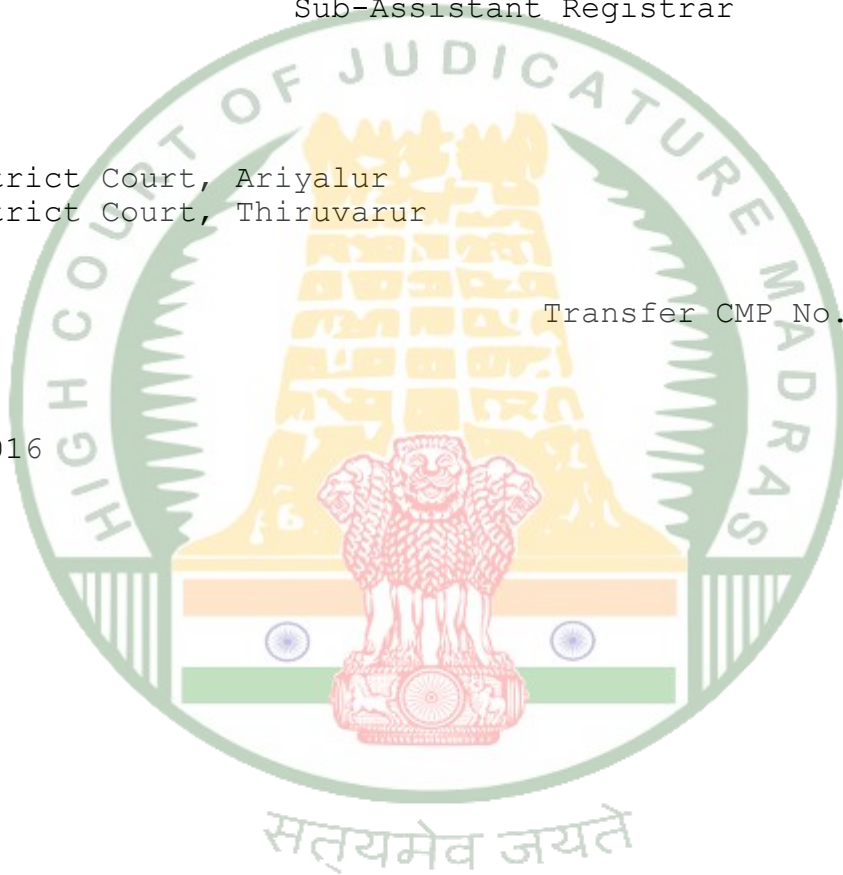
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To

- 1.The District Court, Ariyalur
- 2.The District Court, Thiruvavarur

Transfer CMP No.924 of 2015

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