

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

Tr.C.M.P.No.925 of 2015

&

M.P.No.1 of 2015

Mrs.K.A.Akilam

... Petitioner

Vs.

M.Ajeeth

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the case in H.M.O.P.No.300 of 2015 on the file of the Sub-Court, Tambaram and transfer the same to the file of the Principal Subordinate Court, Nagercoil.

For Petitioner : Mr.S.Venkatesh

For Respondent : Mr.S.Suresh

ORDER

The wife is the petitioner and the respondent is the husband in the Transfer Civil Miscellaneous Petition.

2. The respondent (husband) filed H.M.O.P.No.300 of 2015 on the file of Sub-Court, Tambaram seeking divorce under Section 13 (1)(i-a) of the Hindu Marriage Act, 1955 on the ground of cruelty. The petitioner, who figures as the respondent in the H.M.O.P, claims that since she is residing at Saravanantheri in Kanyakumari District; that her place of residence is also the place of jurisdiction for instituting the proceeding on matrimonial cause and that in view of the benevolent provision under Section 19(iii-a) of the Hindu Marriage Act, she shall be permitted to have the H.M.O.P contested in a Court within whose jurisdiction her place of residence falls. It is her further contention that she is having a child aged three years and aged

parents and it will be very difficult for her to travel all the way from Kanyakumari to Tambaram to face the trial in the H.M.O.P.

3. Though the respondent has entered appearance through counsel, there is no representation for the respondent.

4. This Court, upon hearing the submissions made by the learned counsel for the petitioner and after perusing the relevant papers, is of the view that the petitioner is justified in seeking transfer of the H.M.O.P from Sub-Court, Tambaram to the Principal Sub-Court, Nagercoil, Kanyakumari District.

Hence, this petition is allowed and H.M.O.P.No.300 of 2015 pending on the file of Sub-Court, Tambaram is withdrawn and transferred to the file of Principal Sub-Court, Nagercoil, Kanyakumari District. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gpa

To

1. The Principal Subordinate Court
Nagercoil
Kanyakumari District

2. The Sub-Court
Tambaram.

+1cc to Mr.S.Suresh, Advocate, S.R.No.10888
+1cc to Mr.S.Venkatesh, Advocate, S.R.No.10667

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SAI (CO)
CA(04/03/2016)