

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.709 OF 2012
AND MP NO.1 OF 2012

M.Srila

... Petitioner

versus

D.R.Nathan alias Renganathan

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw H.M.O.P.No.87 of 2012 from the file of Subordinate Court, Mannargudi and transfer the same to the file of the Family Court at Chennai with a direction to try the same.

For Petitioner : No appearance

For Respondent : No appearance

O R D E R

The respondent initiated proceedings in H.M.O.P.No.87 of 2012, before the Sub Court, Mannargudi, against the petitioner, praying for a decree of divorce. The petitioner, on receipt of notice from the Trial Court, filed this petition for transfer.

2. None appears on behalf of the petitioner. There is no representation on behalf of the respondent, in spite of printing his name in the cause list, after service.

3. The proceedings in H.M.O.P.No.87 of 2012 was instituted by the respondent, before the Sub Court, Mannargudi, praying for a decree of divorce.

4. The petitioner is a permanent resident of Chennai. According to the petitioner, it would not be possible for her to appear before the Sub Court, Mannargudi, for the purpose of defending the proceedings in H.M.O.P.No.87 of 2012.

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 The proceedings in H.M.O.P.No.87 of 2012 is withdrawn from the file of Sub Court, Mannargudi and is transferred to the file of Principal Family Court, Chennai, for disposal on merits.

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

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1.The Sub Judge,
Mannargudi.

2.The Judge,
The Principal Family Court
Chennai.

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TR CMP NO.709 OF 2012

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srg 30/11/2016