

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.554 of 2013 and

MP.No.1 of 2013

Punithavathi

...Petitioner

versus

T.Vijayakumar

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the case in HMOP No.114 of 2013, on the file of the Subordinate Judge at Chengalpattu and transfer the same to the file of any other Court in Chennai.

For Petitioner : No appearance

For Respondent : Mr.M.Baskaran

O R D E R

None appears on behalf of the petitioner.

2. The petitioner has filed this transfer petition to withdraw the proceedings in HMOP No.114 of 2013 from the file of Sub-Court at Chengalpattu and transfer the same to any of the Court at Chennai.

3. The petitioner preferred a complaint against the respondent before the Ambattur Police Station to the effect that he threatened her with dire consequences. Thereafter, the respondent filed HMOP.No.114 of 2013 before the Sub-Court at Chengalpattu, praying for a decree of restitution of conjugal rights. The petitioner on receipt of summons filed this petition for transfer.

4. The petitioner is a permanent resident of Chennai. The petitioner has indicated her difficulties in prosecuting the matter by appearing before the Court at Chengalpattu. There is nothing on record to disbelieve the version given by the petitioner. I am therefore of the view that this petition deserves to be allowed.

5. Moreover, 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. In the result, the proceedings in HMOP No.114 of 2013 is withdrawn from the file of Sub-Court, Chengalpattu and is transferred to the Family Court at Chennai for disposal on merits.

7. The Transfer CMP is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

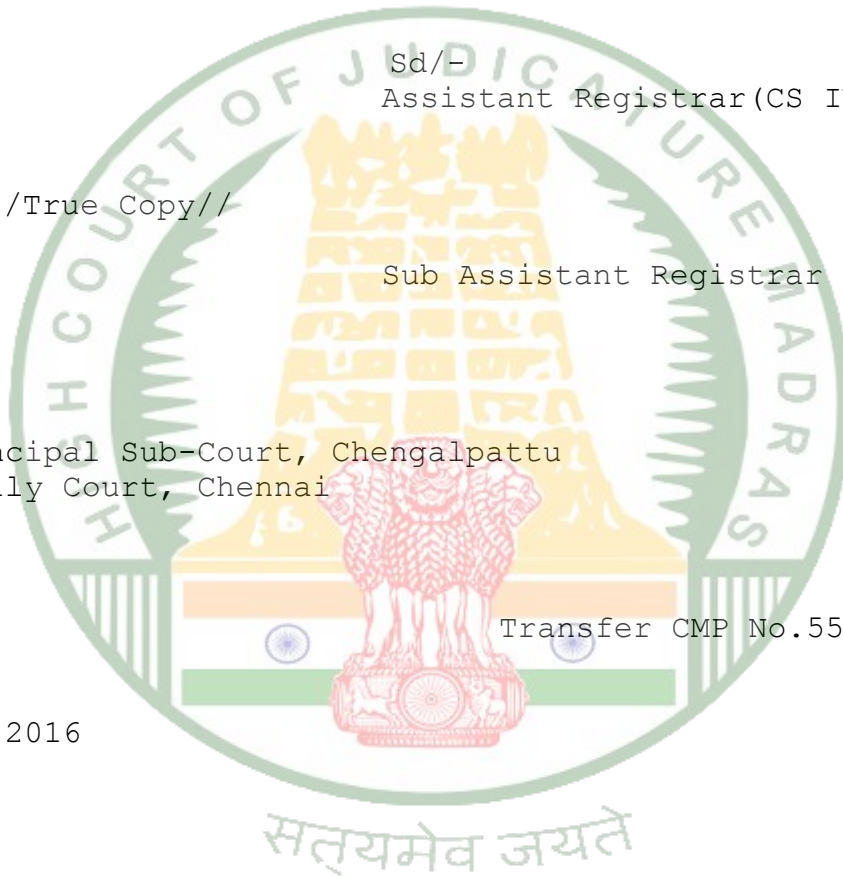
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To

- 1.The Principal Sub-Court, Chengalpattu
- 2.The Family Court, Chennai

Transfer CMP No.554 of 2013

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