

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.10 of 2016 and

CMP.No.209 of 2016

K.Kanagarani

...Petitioner

versus

L.Anandhakumar

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw HMOP No.409 of 2015 on the file of Sub-Court, Poonamallee and to transfer the same to the file of Sub-Court at Kovilpatti, Tuticorin District.

For Petitioner : Mr.J.Stanlin
For Respondent : No appearance

O R D E R

The respondent initiated proceedings in HMOP No.409 of 2015 before the Sub-Court, Poonamallee, praying for a decree of divorce. The petitioner has come up with this petition for withdrawal of the proceedings from the Sub-Court at Poonamallee and transfer the same to the Sub-Court at Kovilpatti.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondent, in spite of printing his name in the cause list after service.

3. The proceedings initiated by the respondent is pending before the Sub-Court at Poonamallee. The petitioner is a resident of Kovilpatti in the district of Tuticorin. According to the petitioner, it would not be possible for her to appear before the Sub-Court at Poonamallee for the purpose of defending the proceedings in HMOP No.409 of 2015. There is nothing on record to suspect the bonafides in filing this transfer petition.

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 petitioner has produced sufficient materials justifying her request for transfer. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceedings in H.M.O.P.No.409 of 2015 is withdrawn from the file of Sub-Court, Poonamallee and is transferred to the file of Sub-Court at Kovilpatti, for disposal on merits.

7. 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

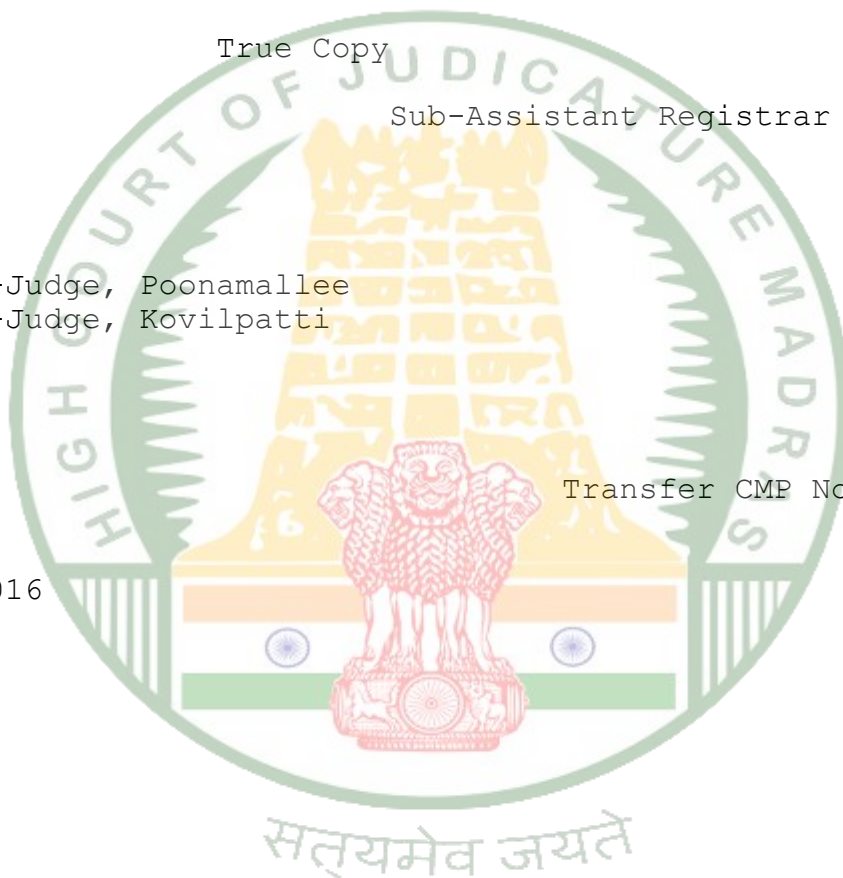
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To

- 1.The Sub-Judge, Poonamallee
- 2.The Sub-Judge, Kovilpatti

Transfer CMP No.10 of 2016

rsi(co)
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