

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.04.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

Tr.C.M.P.No.105 of 2016
and C.M.P.No.2304 of 2016

M.Yasodha

... Petitioner

Vs

D.Thangaraj

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. to withdraw F.C.O.P.No.274 of 2015 pending on the file of Family Court at Chengalpet and transfer the same to the file of the Family Court at Chennai.

For Petitioner : Mr.A.Thirumaran

For Respondent : No Appearance

O R D E R

Though the respondent was served with notice through Court as well as privately with the permission of this Court and his name has been printed in the cause list, he has not chosen to enter appearance either in person or through Counsel.

2. The arguments advanced by Mr.A.Thirumaran learned counsel for the petitioner are heard. The supporting affidavit and the copies of the connected records are perused.

3. Petitioner is the wife and the respondent is the husband. The respondent-husband filed F.C.O.P.No.274 of 2015 for dissolution of marriage. The petitioner-wife, who is in Chennai, pleads inconvenience to go to Kancheepuram to resist the case. The respondent has not chosen to enter appearance to oppose the petition. Further, the right conferred on the wife under Section 19[iii-a] of Hindu Marriage Act, 1955 should be liberally construed. Hence, this Court comes to the conclusion that the prayer made by the petitioner has got to be countenanced.

3. Accordingly, the petition is allowed and F.C.O.P.No.274 of 2015 pending on the file of the Family Court, Chengalpet is withdrawn from the file of the Family Court, Chengalpet and transferred to the file of Family Court, Chennai. No costs. Consequently, the connected Miscellaneous Petition is closed.

srn

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

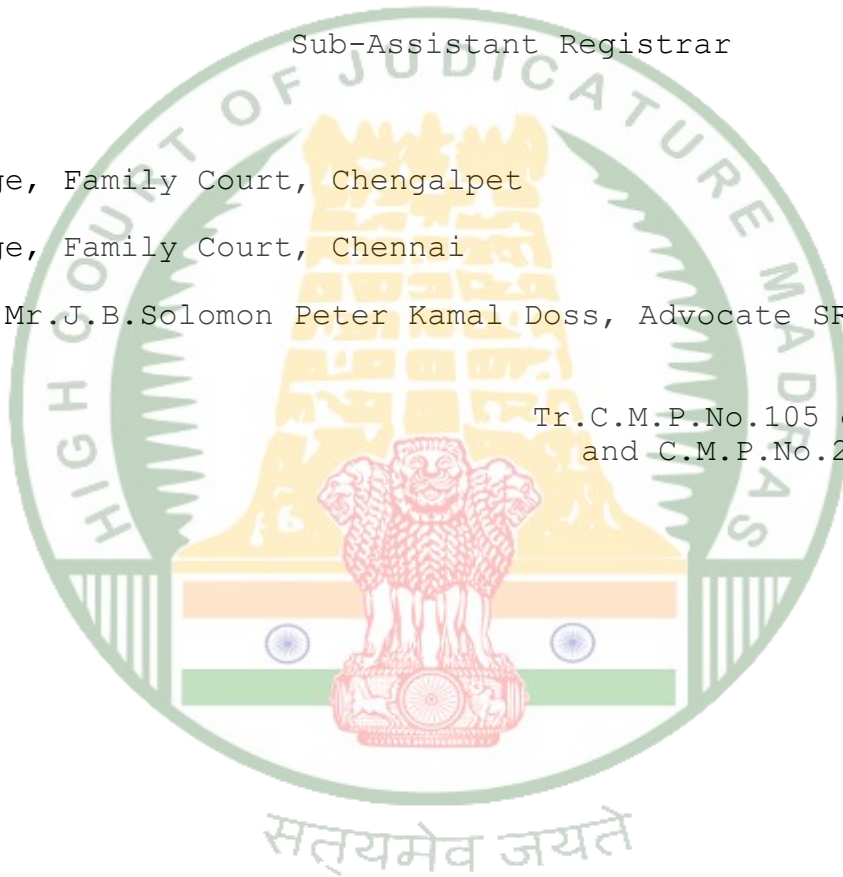
1.The Judge, Family Court, Chengalpet

2.The Judge, Family Court, Chennai

+ 1 cc to Mr.J.B.Solomon Peter Kamal Doss, Advocate SR 24307

pvs(co)
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