

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.113 OF 2016

AND

CMP NO.2541 OF 2016

Sudha

... Petitioner

Versus

Ravichandran

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw the case H.M.O.P.No.66 of 2014 on the file of the Family Court, Villupuram and transfer to the Subordinate Court, Virudhachalam.

For Petitioner : Mr.C.Munusamy

For Respondent : Mr.S.Rajan Babu
for M/s.Raji and Rajan

ORDER

The respondent initiated a proceedings in H.M.O.P.No.66 of 2014, before the Family Court, Villupuram, praying for a decree of divorce.

2. The petitioner who was shown as respondent in the said Original Petition, has come up with this petition for transfer.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. The proceedings for divorce initiated by the respondent is pending before the Family Court, Villupuram. The petitioner is a resident of Thottikuppam in the District of Cuddalore. According to the petitioner, it would not be possible for her to defend the proceedings in H.M.O.P.No.66 of 2014, in case the same is continued at Villupuram.

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 her request for transfer. 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 The proceedings in H.M.O.P.No.66 of 2014 is withdrawn from the file of Family Court, Villupuram and is transferred to the file of Subordinate Court at Virudhachalam, for disposal on merits.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

TK

To

1. The Judge,
Family Court,
Villupuram.
2. The Subordinate Judge,
Virudhachalam.

+1cc to Mr.C.Munusamy, Advocate, S.R.No.66855

सत्यमेव जयते

TR CMP NO.113 OF 2016

SSK(CO)
CA(29/12/2016)

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