

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.596 of 2013 and

MP.No.1 of 2013

K.Shobana Devi ...Petitioner

versus

M.Venkatraman ...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the case in HMOP No.44 of 2013, from the file of the Sub-Court at Panruti and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Ms.A.Arulmozhi
For Respondent : Mr.R.Srinivas

O R D E R

The respondent in HMOP No.44 of 2013 on the file of Sub-Court, Panruti is the petitioner in this petition.

2. The respondent filed matrimonial proceedings against the petitioner under Section 9 of the Hindu Marriage Act. The petitioner on receipt of notice filed this transfer petition.

3. The learned counsel for the petitioner submitted that the petitioner is a cancer patient and as such, it would not be possible for her to appear before the Court at Panruti for the purpose of prosecuting the matrimonial proceedings.

4. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

5. The petitioner is a permanent resident of Chennai.

The respondent filed the petition before the Sub-Court at Panruti. According to the petitioner, the Sub-Court at Panruti has no jurisdiction to take up the matter, inasmuch as the parties are not residing within the jurisdiction of the said Court. Even the marriage was not conducted within the jurisdiction of the said Court. The petitioner is stated to be a cancer patient. There is nothing on record to disbelieve the version given by the petitioner. I am therefore of the view that matrimonial proceedings requires to be transferred to a Court at Chennai.

6. 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.

7. In the result, the proceedings in HMOP No.44 of 2013 is withdrawn from the file of Sub-Court, Panruti and is transferred to the Family Court at Chennai for disposal on merits.

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

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

svki

To

- 1.The Subordinate Judge, Panruti
- 2.The Judge, Family Court, Chennai

Transfer CMP No.596 of 2013

KSJ (CO)

MD : 13/10/2016