

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2016

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN

Transfer CMP.No.146 of 2016

S.Vaideki

...Petitioner

vs.

C.V.R.Guru S. Mathuran

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the HMOP No.296 of 2016 pending before the III Additional Family Court, Chennai and transfer the same either to sub Court, Thiruvarur or to Sub-Court, Mayiladuthurai.

For Petitioner : Mr.K.Bhawatharini
For Respondent : Mr.G.Rm.Palaniappan

O R D E R

The respondent initiated matrimonial proceedings in HMOP No.296 of 2016 against the petitioner before the III Additional Family Court at Chennai. The petitioner has come up with this transfer petition to transfer the proceedings to a Court at Thiruvarur.

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

3. The petitioner is the wife of the respondent. The marriage was solemnised on 31 August 2014. Since the relationship became strained, the respondent filed divorce petition before the III Additional Family Court at Chennai.

4. The petitioner is a resident of Thiruvarur. According to the petitioner, it would be difficult for her to appear before the III Additional Family Court at Chennai regularly and defend the proceedings in HMOP No.296 of 2016.

5. The respondent filed a counter affidavit, wherein, it was indicated that in case, the matter is transferred to a distant

place, it would cause him difficulty.

6. 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. There is nothing on record to suspect the bonafides in filing this transfer petition. I am therefore of the view that the matter requires transfer.

8. The proceedings in H.M.O.P.No.926 of 2016 is withdrawn from the file of the III Additional Family Court, Chennai, and is transferred to the file of the Sub-Court, Mayiladuthurai, for disposal on merits.

9. It is open to the respondent to file appropriate application before the Trial Court to dispense with his personal appearance on the normal dates of hearing, subject to the condition that he would appear on all the effective dates of hearing.

10. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki

To

1.The Family Court Judge,
III Additional Family Court, Chennai

2.The Subordinate Judge, Mayiladuthurai

+1 CC to Mr. K. Bhawatharini, Advocate Sr.No.55496

Transfer CMP.No.146 of 2016

SR (CO)
MD : 26/10/2016