

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 24.11.2016
CORAM:
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
TR CMP NO.159 OF 2016
AND CMP NO.4406 OF 2016

J.Mahalakshmi

... Petitioner

versus

T.Jothivel

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw and transfer the case in H.M.O.P.No.07 of 2016 on the file of the Family Court, Erode to Family Court, Dharmapuri.

For Petitioner : Mr.S.C.Vishwanth
For Respondent : No appearance

O R D E R

The respondent initiated proceedings in H.M.O.P.No.07 of 2016, before the Family Court, Erode, against the petitioner, praying for a decree of dissolution of marriage. The petitioner, on receipt of notice from the Trial Court, filed this petition for transfer.

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 petitioner is a resident of Annasagaram in the District of Dharmapuri. She is staying there along with her minor child. The proceedings in H.M.O.P.No.07 of 2016 is now pending before the Family Court at Erode. According to the petitioner, it would not be possible for her to travel about 220 kms to appear before the Family Court at Erode. Since it is a Family Court, the presence of the petitioner is compulsory. The petitioner, therefore, wanted transfer of the proceedings from Erode to a Court at Dharmapuri. 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 The proceedings in H.M.O.P.No.07 of 2016 is withdrawn from the file of Family Court, Erode and is transferred to the file of Family Court at Dharmapuri, for disposal on merits.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

TK

To

1. The Judge
The Family Court
Erode.

2.The Judge
Family Court
Dharmapuri.

+1 cc to M/s.S.C.Viswanath Advocate sr 68958

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TR CMP NO.159 OF 2016

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