

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.634 of 2013 and  
MP.No.1 of 2013

Kothai @ Nisha ...Petitioner/Respondent

versus  
Solaiyappan @ Balaji ...Respondent/Petitioner

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the case in HMOP No.56 of 2013, from the file of the Sub-Court at Devakottai and transfer the same to the file of the Family Court, Chennai.

For Petitioner : No appearance

For Respondent : No appearance

O R D E R

The respondent in HMOP No.56 of 2013 on the file of Sub-Court, Devakottai is the petitioner in this transfer petition.

2. None appears on behalf of the parties.

3. The marriage of the petitioner with the respondent was solemnised on 27.11.2011. The parties were residing at Singapore originally. Subsequently, the petitioner has come over to Chennai and started living with her parents. The respondent is still working at Singapore. The respondent filed HMOP No.56 of 2013 before the Sub-Court at Devakottai, praying for a decree of divorce.

4. In the affidavit filed in support of the transfer petition, it is submitted that the petitioner is a permanent resident at Chennai. She is working as a Software Engineer at Cognizant Technologies Solutions. It would not be possible for her to prosecute the proceedings before the Court at Devakottai. There is nothing on record to disbelieve the version given by the petitioner. I am therefore of the view that this petition deserves to be allowed.

5. 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.

6. In the result, the proceedings in HMOP No.56 of 2013 is withdrawn from the file of Sub-Court, Devakottai and is transferred to the Family Court at Chennai for disposal on merits.

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

Sd/-  
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Subordinate Court,  
Devakottai.

2.The Family Court,  
Chennai.

Transfer CMP No.634 of 2013

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