

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.17 of 2016 and

CMP.No.265 of 2016

S.Preethi

...Petitioner

versus

V.V.Balachandar

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the case in HMOP No.69 of 2015 on the file of the Family Court at Tiruvallur and to transfer the same to file of Family Court, Chennai.

For Petitioner : Mr.J.Karunanithi

For Respondent : Mr.K.Balaji

O R D E R

The respondent in HMOP No.69 of 2015 on the file of the Family Court at Tiruvallur is the petitioner in this transfer petition.

2. The respondent initiated proceedings in HMO.P.No.69 of 2015 before the Family Court at Tiruvallur praying for a decree of divorce. The petitioner on receipt of summons filed this petition for transfer.

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

4. The learned counsel for the respondent fairly submitted that the respondent has no objection in transferring the petition, without admitting any of the averments and allegations made in the transfer petition.

5. The petitioner is a resident of Chennai. The proceedings are now pending before the Family Court at Tiruvallur. The petitioner is presently undergoing teacher training at Chennai. The petitioner has demonstrated that it would not be possible

for her to appear before the Court at Tiruvallur and prosecute the proceedings. There is nothing on record to disbelieve the case pleaded by the petitioner.

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 view of the factual matrix and taking into account the background facts, I am of the opinion that the matrimonial proceedings pending before the Family Court at Tiruvallur deserves to be transferred to the Family Court at Chennai.

8. In the result, the proceedings in HMOP.No.69 of 2015 is withdrawn from the file of Family Court, Tiruvallur, and is transferred to the file of Family Court, Chennai, for disposal on merits.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Judge,
The Family Court,
Tiruvallur.

2.The Judge,
The Family Court,
Chennai.

+1cc to M/S.K.Balaji, Advocate Sr.51946

Transfer CMP No.17 of 2016

vd[co]
srg 18/10/2016