

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.180 of 2016 and

CMP.No.5144 of 2016

S.Kalai Arasi

...Petitioner

versus

R.Kingsley Gabriel

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw OP No.4513 of 2015 on the file of 2nd Family Court, Chennai and transfer the same to Principal Sub-Court, Thiruvannamalai.

For Petitioner : Mr.G.Rajan
For Respondent : Mr.R.Santhanam

O R D E R

The respondent initiated proceedings in O.P.No.4513 of 2015 before the II Family Court at Chennai, under Sections 18 and 19 of the Indian Divorce Act, 1869. The petitioner, who is a resident of Thiruvannamalai is before this Court with a request to transfer the matrimonial proceedings initiated by the respondent to the Principal Sub-Court at Thiruvannamalai.

2. The learned counsel for the respondent contended that the respondent is residing at Chennai and as such, it would be very difficult for him to appear before the court at Thiruvannamalai, in case, the matter is transferred.

3. The petitioner is a resident of Maruthavampadi in the district of Thiruvannamalai. The proceedings initiated by the respondent is pending before the II Family Court at Chennai. According to the petitioner, her father is aged about 70 years. Similar is the case of her mother. According to the petitioner, it would not be possible for her to travel all along from Thiruvannamalai to Chennai for the purpose of defending the proceedings in OP.No.4513 of 2015.

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 The proceedings in O.P.No.4513 of 2015 is withdrawn from the file of II Family Court, Chennai and is transferred to the file of Principal Sub-Court, Thiruvannamalai, for disposal on merits.

7. The Transfer Civil Miscellaneous Petition 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 II Judge, Family Court, Chennai

2.The Principal Sub-Judge, Thiruvannamalai

+1 CC to to M/S.G.Rajan, Advocate SR.No.70432

CO-ACA

ths : 30.12.2016

Transfer CMP No.180 of 2016

सत्यमेव जयते

WEB COPY