

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **26.10.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

Transfer CMP No.192 of 2016 and
CMP.No.5374 of 2016

K.Jaichitra @ J.Chitra

...Petitioner

versus

B.Jeyavelu

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the the HMOP No.218 of 2015 on the file of the Subordinate Court, Ponneri, transfer to Sub-Court, Arakkonam in Vellore District or any other competent court.

For Petitioner : Mr. K.Palaniswamy

For Respondent : Mr.S.victor Prasath

ORDER

The respondent initiated proceedings in HMOP.No.218 of 2015 before the Subordinate Court at Ponneri. The petitioner, who was arrayed as respondent in the said proceeding, has come up with this petition for transfer.

2. Heard the learned counsel for the petitioner and the learned

counsel appearing on behalf of the respondent.

3. The proceeding for divorce initiated by the respondent is now pending on the file of Subordinate Court at Ponneri. The petitioner is stated to be a resident of Vellore District. According to the petitioner, it would be very difficult for her to appear before the Subordinate Court at Ponneri for the purpose of defending the proceedings in HMOP No.218 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 given justifiable reasons for transfer of the proceedings. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceeding in HMOP No.218 of 2015 is withdrawn from the file of Subordinate Court at Ponneri and is transferred to the file of Subordinate Court, Arakkonam for disposal on merits.

7. The respondent is permitted to file an application before the Subordinate Court at Arakkonam 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 and he would cooperate for early disposal of the matter. In case any such application is filed, the same shall be considered and disposed of by the learned Trial Judge, taking into account the pre-occupation of the respondent at Chennai.

8. The Transfer CMP is allowed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

26.10.2016

Index:Yes/No

ajr

To

1. Subordinate Court, Ponneri,
2. Sub-Court, Arakkonam, Vellore District

K.K.SASIDHARAN,J.

ajr

Transfer CMP No.192 of 2016

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