

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.2 of 2016 and

CMP.No.86 of 2016

R.Mohanambal @ Ambal

...Petitioner

versus

S.Sathish Kumar

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw FCOP No.72 of 2015 pending on the file of Family Court, Salem and transfer the same to the Sub-Court, Thirupur.

For Petitioner : Mr.K.C.Karl Marx
For Respondent : No appearance

O R D E R

The respondent in FCOP No.72 of 2015 on the file of Family Court, Salem is the petitioner in this transfer petition.

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 respondent initiated proceedings in FCOP No.72 of 2015 before the Family Court, Salem, praying for a decree of divorce. The petitioner is residing at Thirupur along with her minor child. According to the petitioner, she is depending upon her old parents for her maintenance. The petitioner is therefore not in a position to appear before the Family Court at Salem to defend the proceedings in FCOP No.72 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. There is nothing on record to suspect the bonafides in filing this transfer petition. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceedings in F.C.O.P.No.72 of 2015 is withdrawn from the file of Family Court, Salem and is transferred to the file of Sub-Court, Thirupur, for disposal on merits.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 (CCC)

/true copy/

Sub Asst. Registrar

To

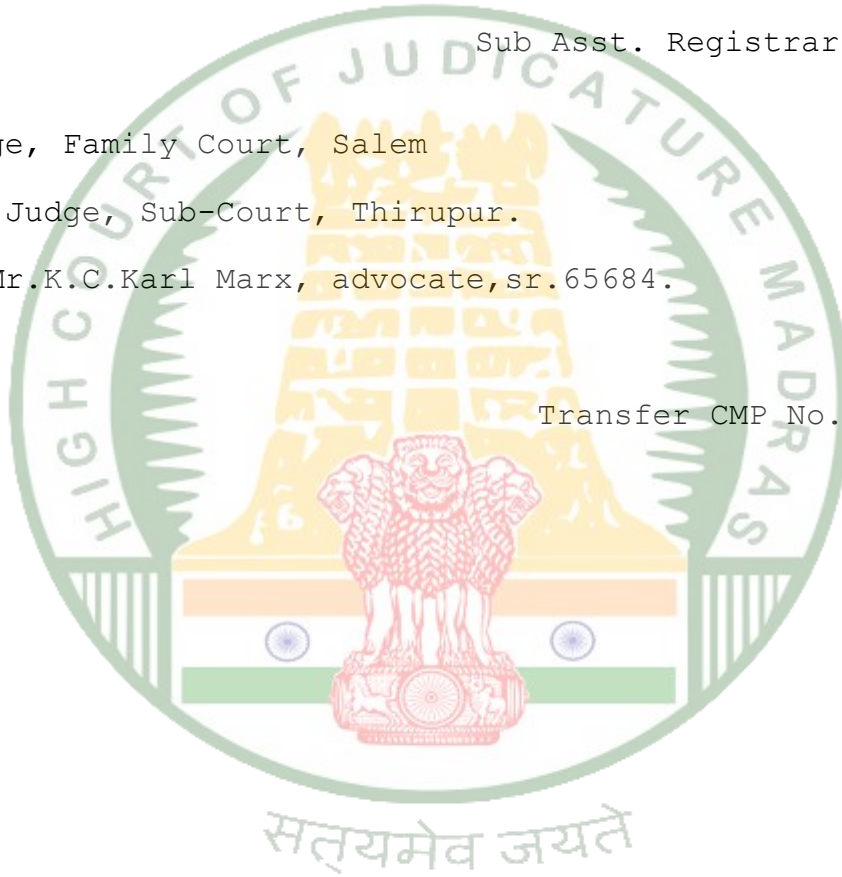
1.The Judge, Family Court, Salem

2.The Sub Judge, Sub-Court, Thirupur.

+1 cc to Mr.K.C.Karl Marx, advocate,sr.65684.

nm(co)
krd 8/12

Transfer CMP No.2 of 2016



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