

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.20 of 2016 and

CMP.No.280 of 2016

M.Niranjana

...Petitioner

versus

T.Anbazhagan

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw HMOP No.22 of 2015 on the file of the Court of Subordinate Judge at Gingee and transfer the same for hearing to the file of the Family Court, Chennai.

For Petitioner : Ms.V.Vimala
For Respondent : No appearance

O R D E R

This transfer petition is filed by the respondent in HMOP.No.22 of 2015 on the file of Sub Court, Gingee to transfer the proceedings to the Family Court at Chennai.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondent.

3. The respondent filed HMOP No.22 of 2015 before the Sub-Court, Gingee praying for a decree, dissolving the marriage between the parties solemnized on 15.09.2000. The petitioner entered appearance and thereafter, filed this petition for transfer.

4. According to the petitioner, she is a permanent resident of Chennai. The proceedings are now pending before the Court at Gingee, Villupuram District.

5. 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. The petitioner has demonstrated that it would not be possible for her to appear before the Court at Gingee and contest the proceedings. There is nothing on record to disbelieve the case pleaded by the petitioner. I am therefore of the view that this is a fit case to transfer the proceedings from Gingee to Chennai.

7. In the result, the proceedings in HMOP No.22 of 2015 is withdrawn from the file of Sub-Court, Gingee and is transferred to the file of Family Court, Chennai for disposal on merits.

8. The Transfer CMP 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 Subordinate Judge, Gingee, Villupuram District
- 2.The Judge, Family Court, Chennai

+1 CC to Mr. S. Muthukrishnan, Advocate Sr.No.51632
+1 CC Mr. R. Thanjan, Advocate Sr.No.51977

Transfer CMP No.20 of 2016

NRJK (CO)
MD : 06/10/2016

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