

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.10.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K. SASIDHARAN

Transfer C.M.P.No.201 of 2016
and C.M.P. No. 5662 of 2016

D.Kokila

.. Petitioner

Vs

R.Dillibabu

.. Respondent

Prayer: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the divorce petition in H.M.O.P.No.66 of 2015 pending on the file of the Subordinate Judge at Ponneri and to transfer the same to the Subordinate Court at Kanchipuram.

For Petitioner : Mr.T.Narendra Kumar

For Respondent : Mr.N.Subramani

ORDER

The petitioner filed this Transfer Civil Miscellaneous Petition to withdraw the divorce petition in H.M.O.P.No.66 of 2015 pending on the file of the Subordinate Judge at Ponneri and to transfer the same to the Subordinate Court at Kanchipuram.

2.The respondent initiated the proceeding in H.M.O.P.No.66 of 2015 before the Subordinate Court, Ponneri, praying for a decree of divorce. The petitioner on receipt of notice, filed this Transfer Civil Miscellaneous Petition.

3.Heard the learned counsel for the petitioner and learned counsel for the respondent.

4.The proceeding in H.M.O.P.No.66 of 2015 was initiated by the respondent. The matter is pending before the Sub Court, Ponneri. According to the petitioner, being a permanent resident of Kanchipuram District, it would be difficult for her to appear before the Subordinate Court, Ponneri, for the purpose of defending the proceeding in H.M.O.P.No.66 of 2015.

5.The respondent is stated to be a Policeman residing at Ice house, Police quarters, Chennai. The distance between Chennai to Ponneri and the distance between Kancheepuram and Chennai are more or less same. No prejudice would be caused to the

respondent by transferring the proceeding in H.M.O.P.No.66 of 2015 to the Subordinate Court, Kancheepuram.

6.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.The petitioner has given sufficient reasons to demonstrate that it would be very difficult for her to defend the proceeding in H.M.O.P.No.66 of 2015 before the Subordinate Court at Ponneri. There is nothing on record to suspect the bonafides in filling this transfer petition. I am therefore of the view that the transfer petition deserves to be allowed.

8.The proceeding in H.M.O.P.No. 66 of 2015 is withdrawn from the file of the Subordinate Court, Ponneri and is transferred to the file of Subordinate Court, Kancheepuram.

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

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

jbm

To

1. The Subordinate Court,
Ponneri.

2. The Subordinate Court,
Kancheepuram.

+lcc to M/s. N. Subramani, Advocate, S.R.No.57070

+lcc to Mr. T. Narendra Kumar, Advocate, S.R.No.57633

SM(CO)

EU(21/10/2016)

Tr.C.M.P.No.201 of 2016
and C.M.P.5662 of 2016