

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.677 of 2013 and
MP.No.1 of 2013

Kanimozhi

...Petitioner

versus

S.Sugandan

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the case in HMOP No.163 of 2013, from the file of the Sub-Court, Villupuram and transfer the same to the file of the Sub-Court, Mayiladuthurai.

For Petitioner : Mr.A.Muthukumar

For Respondent : No appearance

O R D E R

The respondent in HMOP No.163 of 2013 on the file of Sub-Court, Villupuram has come up with this transfer petition to transfer the proceedings to a Court at Mayiladuthurai.

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

3. The respondent initiated proceedings in HMOP No.163 of 2013 before the Sub-Court at Villupuram. The petitioner is a resident of Sattanathapuram, Sirkali Taluk, Nagapattinam District and is residing along with her parents and her son, aged about one year. According to the petitioner, it would not be possible for her to travel to the Court at Villupuram having a distance of about 180 kms from her residence. There is nothing on record to disbelieve the case pleaded by the petitioner.

4. The petitioner has produced materials before this Court to demonstrate that it would not be possible for her to prosecute the proceedings now pending before the Court at Villupuram. I am therefore of the view that this petition deserves to be allowed.

5. Moreover, 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. In the result, the proceedings in HMOP No.163 of 2013 is withdrawn from the file of Sub-Court, Villupuram and is transferred to the file of Sub-Court at Mayiladuthurai for disposal on merits.

7. The Transfer CMP is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

svki

To

- 1.The Sub-Judge, Villupuram
- 2.The Sub-Judge, Mayiladuthurai

1 cc to Mr.A.Muthukumar, Advocate, sr.51959

Transfer CMP No.677 of 2013

rsy co
kra 07.10.2016

सत्यमेव जयते

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