

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.239 of 2016 and

CMP.No.6567 of 2016

Bhuvaneswari ...Petitioner/Respondent

versus

Muthurajan ...Respondent/Petitioner

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the HMOP No.186 of 2015 on the file of the Subordinate Judge, Arupukottai and transfer the same to the file of the Family Court, Coimbatore.

For Petitioner : Mr. S.Saravanan

For Respondent : No appearance

O R D E R

The respondent initiated proceedings for restitution of conjugal rights in HMOP.No.186 of 2015. The matter is now pending on the file of the Subordinate Court at Aruppukottai. The petitioner has come up with this petition for transfer.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondent, inspite of printing his name in the cause list after service.

3. The petitioner is residing at Coimbatore along with minor children. It is the grievance of the petitioner that it would be very difficult for her to appear before the Subordinate Court at Aruppukottai. There is nothing on record to suspect the bonafides in filing this transfer petition.

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 produced sufficient materials justifying transfer of the proceedings. I am therefore of the view that the transfer petition deserves to be allowed.

6. In the result, the proceedings in HMOP No.186 of 2015 is withdrawn from the file of Subordinate Court at Aruppukottai and is transferred to the file of Family Court at Coimbatore for disposal on merits.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ajr

To

1. Subordinate Judge, Arupukottai
2. Family Court, Coimbatore.

+lcc to Mr.S. Saravanan*, Advocate, S.R.No.61356

scd (CO)

md (14/11/2016)

Transfer CMP No.239 of 2016

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