

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2016

CORAM:

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

Transfer C.M.P.No.259 of 2016

And

C.M.P.No. 7061 of 2016

Mrs.Rooba Petitioner/Respondent

Vs

Mr.Gunanidhi Respondent/Petitioner

This Petition filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No. 222 of 2015 on the file of Sub Court, Kanchipuram and to transfer the same to the file of III Additional Family Court, Chennai.

For Petitioner : Mr. R.Rangarajan

For Respondent : Mr. K.G.Senthil Kumar

O R D E R

The respondent initiated proceedings in H.M.O.P.No. 222 of 2015 before the Sub Court, Kanchipuram against the petitioner praying for a decree of divorce.

2. The petitioner thereafter filed M.C.No. 155 of 2016 before the III Additional Family Court, Chennai. The present prayer is to transfer the proceedings in H.M.O.P.No. 222 of 2015 from the file of Sub Court at Kanchipuram to the file of Family Court at Chennai for disposal along with M.C.No. 155 of 2016.

3. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

4. The petitioner is a permanent resident of Chennai. The proceeding is now pending before the Sub Court at Kanchipuram. According to the petitioner, it would not be possible for her to

appear before the Court at Kanchipuram, for the purpose of defending the proceedings in H.M.O.P.No. 222 of 2015. There is nothing on record to suspect the bona fides in filing the transfer petition.

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 produced materials to demonstrate that it would be difficult to appear before the Court at Kanchipuram. I am therefore of the view that the Transfer Petition deserves to be allowed.

7. In the result, the proceedings in H.M.O.P.No. 222 of 2015 is withdrawn from the file of Sub Court, Kanchipuram and is transferred to the file of III Additional Family Court, Chennai, for disposal along with M.C.No. 155 of 2016.

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

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

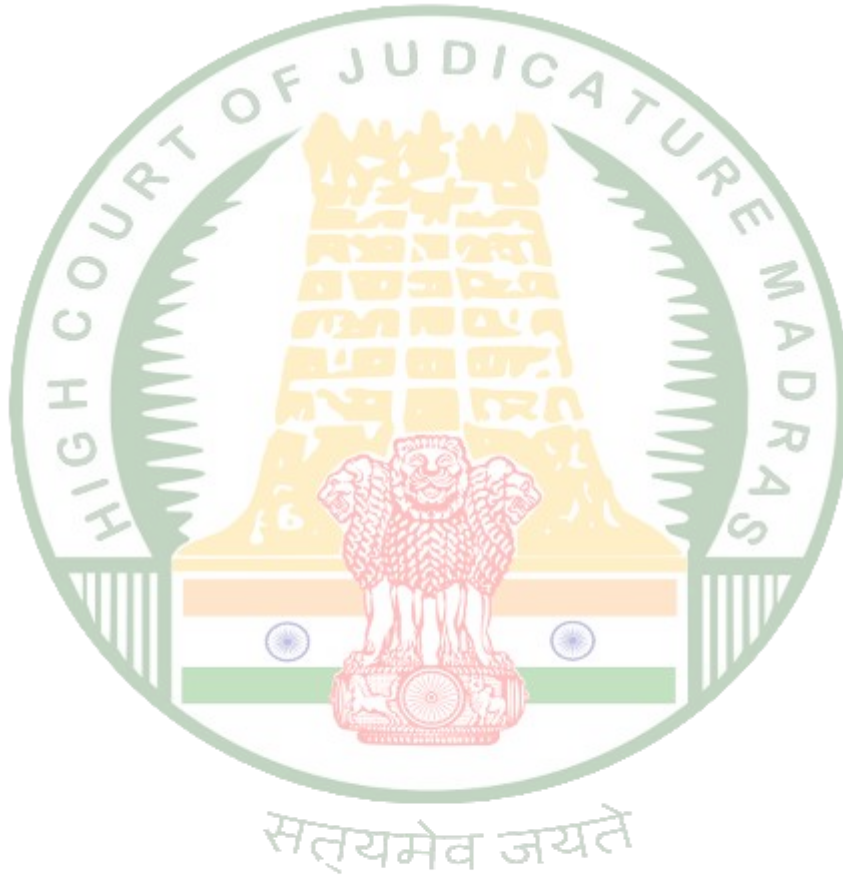
To

1. The Sub Court, Kanchipuram.
2. The III Additional Family Court, Chennai.
+1cc to Mr.G.Senthilkumar, Advocate, S.R.No.

(CO) kk
Cp(21/10/2016)

Tr.C.M.P.No.259 of 2016
And
C.M.P.No. 7061 of 2016

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