

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.263 OF 2016

AND

CMP NO.7255 OF 2016

R.Ramya

... Petitioner

Versus

R.Ganesamoorthy

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw the H.M.O.P.No.231 of 2015 on the file of Family Court, Ponneri and transfer the same to Principal Sub Court, Mayiladuthurai.

For Petitioner : Mr.R.Shivakumar
for M/s.K.M.Vijayan Associates

For Respondent : No appearance

O R D E R

The respondent initiated proceedings in H.M.O.P.No.231 of 2015, before the Family Court, Ponneri, against the petitioner, praying for a decree of divorce. The petitioner, on receipt of notice from the Trial Court, filed this petition for transfer.

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

3. The petitioner is a resident of Kuthalam, Nagapattinam District. The proceedings in H.M.O.P.No.231 of 2015 is pending before the Family Court at Ponneri. According to the petitioner, it would not be possible for her to travel from Nagapattinam to Ponneri for the purpose of defending the proceedings in H.M.O.P.No.231 of 2015. There is nothing on record suspecting 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 her request for transfer. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceedings in H.M.O.P.No.231 of 2015 is withdrawn from the file of Family Court, Ponneri, and is transferred to the file of Principal Subordinate Court, Mayiladuthurai, for disposal on merits.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

TK

To

1. The Judge,
Family Court,
Ponneri.
2. The Principal Subordinate Judge,
Mayiladuthurai.

+1cc to M/s.K.M.Vijayan Associates, Advocate, S.R.No.66210

TR CMP NO.263 OF 2016

SSK(CO)
CA(29/12/2016)

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