

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.281 of 2016

and C.M.P.No.7684 of 2016

P.Easwari @ Samundeeswari .. Petitioner

Vs.

V.Venkatesh .. Respondent

Prayer: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the H.M.O.P.No.484 of 2015 pending on the file of Sub-Court at Tambaram, Kanchipuram District and transfer the same to the Sub-Court Thiruvannamalai District.

For Petitioner : Mr.Durai Gunasekaran

For Respondent : Mr.R.Mohan

ORDER

The petitioner filed this Transfer Civil Miscellaneous Petition to withdraw the proceedings in H.M.O.P.No.484 of 2015 pending on the file of Sub Court at Tambaram, Kanchipuram District and transfer the same to the file of Sub Court, Thiruvannamalai District.

2.The respondent initiated a proceeding in H.M.O.P.No. 484 of 2015 against the petitioner before the Sub Court, Tambaram. The petition has been filed for a decree of divorce. The petitioner on receipt of notice from the Trial Court, filed this transfer petition.

3.The learned counsel for the petitioner submitted that the respondent is employed as a Driver in Government service and as such, there would not be any difficulty for him to travel to Tiruvannamalai, in case the matter is transferred.

4.The learned counsel for the respondent on the other hand submitted that the brother of the petitioner is a Sub Inspector of Police and he will try his level best to drag on the proceedings, if it is transferred.

5.The proceeding in H.M.O.P.No.484 of 2015 is pending on the file of Sub Court, Tambaram. The petitioner is a permanent resident of Thirvannamalai. According to the petitioner, it would be difficult for her to appear before the Sub Court at Tambaram, on account of the distance factor.

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 produced materials justifying her request for transfer. I am therefore of the view that the Transfer Petition deserves to be allowed.

8.The proceeding in H.M.O.P.No.484 of 2015 is withdrawn from the file of Sub-Court, Tambaram and is transferred to the file of Sub Court, Tiruvannamalai.

9.It is open to the respondent to file appropriate application before the Trial Court to dispense with his personal appearance on the normal dates of hearing subject to the condition that he would appear on all the effective dates of hearing.

10.The learned Sub Judge, Tiruvannamalai, is directed to dispose of the proceedings as expeditiously as possible.

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

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

jbm

To

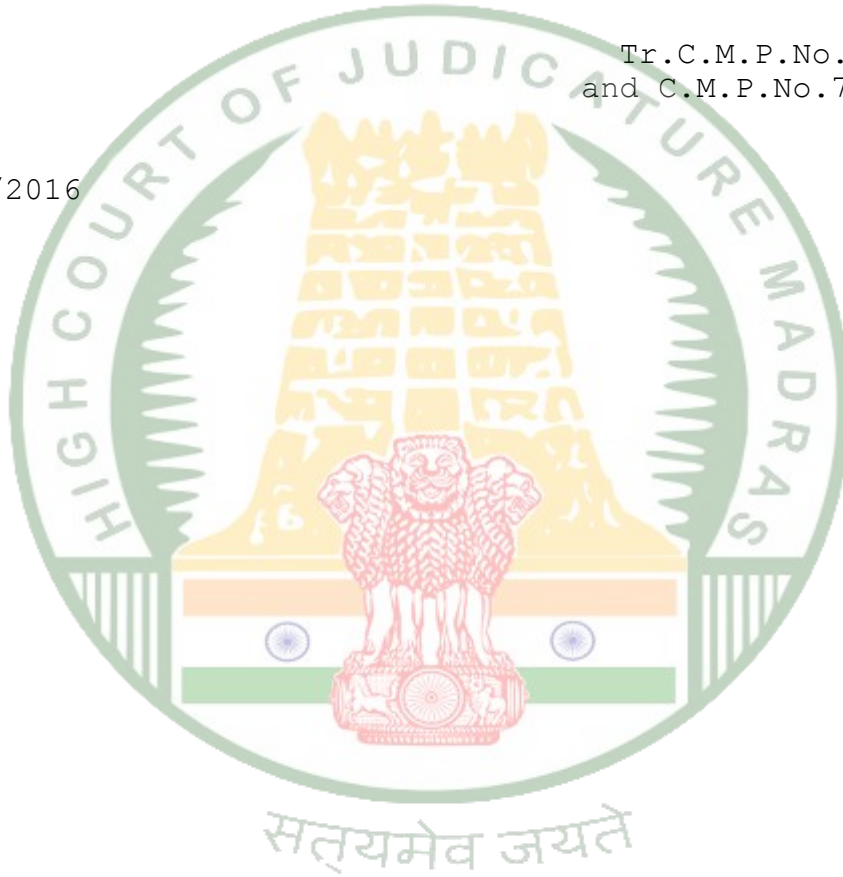
1. The Sub Court,
Tambaram.

2. The Sub Court,
Thiruvannamalai.

+1cc to M/S Durai gunasekaran, Advocate Sr.56999

Tr.C.M.P.No.281 of 2016
and C.M.P.No.7684 of 2016

SSI (CO)
RVR 12/11/2016



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