

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.297 of 2016 and

CMP.No.8035 of 2016

R.B.Sumitha Lakshmi

...Petitioner

versus

A.Karthick

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw HMOP No.651 of 2015 on the file of Family Court, Madurai and transfer the same to the Family Court at Puducherry.

For Petitioner : Mr.P.Veeraraghavan
For Respondent : No appearance

O R D E R

The respondent initiated proceedings in HMOP No.651 of 2015 before the Family Court, Madurai under Section 13 (1)(ia) of the Hindu Marriage Act, 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 inspite of printing his name in the cause list after service.

3. The proceedings in HMOP No.651 of 2015 was filed by the respondent before the Family Court at Madurai praying for a decree of divorce. The petitioner is a permanent resident of Puducherry. According to the petitioner, it would be difficult for her to appear before the Family Court at Madurai for the purpose of defending the proceedings in HMOP No.651 of 2015. 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 to justify 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 The proceedings in H.M.O.P.No.651 of 2015 is withdrawn from the file of Family Court, Madurai and is transferred to the file of Family Court, Puducherry, for disposal on merits.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Judge
Family Court, Madurai

2.The Judge
Family Court, Puducherry

+1 cc to Mr.P.Veeraraghavan Advocate sr 61759

Transfer CMP No.297 of 2016

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