

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **26.10.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

Transfer CMP No.320 of 2016 and
CMP.No.8901 of 2016

M.Mageswari

...Petitioner

versus

P.Manikandan

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to transfer the HMOP No.1377 of 2015 on the file of the Family Court, Coimbatore District and transfer the same to the Family Court, Vellore, Vellore District.

For Petitioner : Mr. M.Sathish Kumar

For Respondent : No appearance

ORDER

The petitioner filed this transfer petition with a prayer to withdraw the proceeding in HMOP No.1377 of 2015 from the file of Family Court at Coimbatore and transfer the same to the file of Family Court at Vellore.

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

3. The proceeding in HMOP No.1377 of 2015 was instituted by the respondent before the Family Court at Coimbatore, praying for a decree of dissolution of marriage. The petitioner is a resident of Vellore. According to the petitioner, it would not be possible for her to appear before the Family Court at Coimbatore for the purpose of defending the proceedings in HMOP No.1377 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 given sufficient reasons justifying her request for transfer of the proceedings. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceedings in HMOP No.1377 of 2015 is withdrawn from the file of Family Court at Coimbatore and is transferred to the file of Family Court at Vellore for disposal on merits.

7. The Transfer CMP is allowed as indicated above. No costs.

Consequently, connected miscellaneous petition is closed.

26.10.2016

Index:Yes/No
ajr

To

1. Family Court, Coimbatore District
2. Family Court, Vellore, Vellore District.

K.K.SASIDHARAN,J.

ajr

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