

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2016

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Tr.C.M.P. No.329 of 2016

and

C.M.P.No.9026 of 2016

Mrs.Baptista,Carmel alias Betty ... Petitioner

vs.

G.V.J.Steephan alias J.Steephan ... Respondent

Tr.C.M.P. filed under section 24 of C.P.C., praying to withdraw the petition in IDOP No.65 of 2015 on the file of the District and Sessions Judge, Tiruppur and to transfer the same to the District Court at Nagarkoil.

For petitioner : Mr.J.Franklin

O R D E R

The respondent initiated proceedings in IDOP No.65 of 2015 before the District Court, Tiruppur. The petitioner, on receipt of summons from the Court, filed this petition for transfer.

2. Heard the learned counsel for the petitioner. None appears for the respondent.

3. The petitioner is a resident of Neyoor in the District of Kanyakumari. The proceedings initiated by the respondent is pending before the District Court at Tiruppur. According to the petitioner, it would not be possible for her to travel from Kanyakumari to Tiruppur along with her aged mother for the purpose of defending the proceedings. The petitioner is stated to be unemployed and she is at the mercy of her parents to meet her expenses. There is nothing on record to suspect the bona fides 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. For the reasons stated above, the Transfer Petition deserves to be allowed.

6. The proceedings in IDOP No.65 of 2015 is withdrawn from the file of the District Court, Tiruppur, and is transferred to the file of District Court, Kanyakumari at Nagercoil.

7. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Connected Miscellaneous Petition is closed.

Sd/-
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

Copy to:

1. The District Judge, Tiruppur.

2. The District Judge, Kanyakumari.

+1 c.c to Mr.J. Franklin, Advocate,SR.70363/16.

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MMP 28.12.2016

सत्यमेव जयते

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