

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.810 of 2013 and

MP.No.1 of 2013

Ramya Jayaraman .. Petitioner

Vs

Venkataramanan Babu .. Respondent

Prayer: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw HMOP.No.3451 of 2013 on the file of the Principal Family Court, Chennai and transfer the same to the Family Court, Coimbatore to be tried along with the maintenance case in M.C.No.140 of 2013.

For Petitioner : Mr.K.Arangeswaran

For Respondent : Mr.A.Arulmozhi

ORDER

The respondent in O.P.No.3451 of 2013 on the file of the learned Principal Judge, Family Court, Chennai is the petitioner in this Transfer Petition.

2. The respondent initiated proceedings for divorce against the petitioner in O.P.No.3451 of 2013 before the Family Court at Chennai. The petitioner filed this transfer petition on the ground that being a native of Coimbatore, it would be difficult for her to come over to Chennai for the purpose of defending the proceedings.

3. The learned counsel for the respondent submitted that both the parties are working abroad, and as such, it would not be difficult for the petitioner to appear before the Court at Chennai.

4. The petitioner is a resident of Coimbatore. The respondent is a resident of Chennai. The proceedings in O.P.No.3451 of 2013 is now pending before the Principal Judge, Family Court, Chennai. The petitioner initiated another

proceedings in M.C.No.140 of 2013 and the same is pending on the file of Family Court at Coimbatore. It would be in the interest of both the parties to have the matters posted before a particular Court for disposal.

5. 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.

6. The petitioner has given sufficient materials to demonstrate that it would be difficult for her to come over to Chennai for the purpose of defending the proceedings in O.P.No.3451 of 2013. Moreover, the Maintenance Case is pending before the Family Court at Coimbatore. I am therefore of the view that the matter requires transfer.

7. The proceedings in O.P.No.3451 of 2013 is withdrawn from the file of Principal Judge, Family Court, Chennai, and is transferred to the file of Family Court, Coimbatore, for disposal along with M.C.No.140 of 2013.

8. The Transfer CMP is allowed as indicated above. No Costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rm

To

1.The Principal Judge,
Family Court,
Chennai

2.The Family Court,
Coimbatore

+1cc to Mr.K. Arangeswaran, Advocate, S.R.No.56838

+1cc to Mr.P. Arulmozhi, Advocate, S.R.No.56880

Transfer C.M.P.No.810 of 2013
and MP.No.1 of 2013

SSK (CO)

MD : 4/11/2016