

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.341 OF 2016

AND CMP NO.9210 OF 2016

S.Geethalakshmi ... Petitioner

versus

S.Arulanandam ... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw and transfer H.M.O.P.No.5 of 2016 on the file of Subordinate Court at Palani and transfer to Subordinate Court at Puducherry or any other Competent Court to try the same.

For Petitioner : Mr.A.Radhakrishnan
For Respondent : Mr.P.Elango

O R D E R

The respondent initiated a proceedings in H.M.O.P.No.5 of 2016, before the Sub Court, Palani, praying for a decree of divorce.

2. The petitioner who was shown as respondent in the said Original Petition, has come up with this petition for transfer.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. The proceedings for divorce initiated by the respondent is pending before the Sub Court at Palani. The petitioner is a resident of Pondicherry. According to the petitioner, it would not be possible for her to defend the proceedings in H.M.O.P.No.5 of 2016, in case the same is continued at Palani.

5. The petitioner is residing at Pondicherry along with her minor daughter, who is a student of L.K.G. According to the petitioner, on account of her daughter's education and her poor health condition, it would not be possible for her to travel from Pondicherry to Palani. There is nothing on record suspecting the bonafides in filing this transfer petition.

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 sufficient materials justifying transfer. I am therefore of the view that the transfer petition deserves to be allowed.

8. The proceedings in H.M.O.P.No.5 of 2016 is withdrawn from the file of Sub Court, Palani and is transferred to the file of Family Court at Pondicherry, for disposal on merits.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

TK

To

1.The Sub Court, Palani.

2.The Family Court, Pondicherry.

+1cc to Mr.P. Elango, Advocate, S.R.No.65101

+1cc to Mr.A. Radhakrishnan, Advocate, S.R.No.65444

ca(CO)

md(05/12/2016)

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