

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.352 of 2016 and

CMP.No.9517 of 2016

S.Kanmani

...Petitioner

versus

A.M.Naveen Kumar

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw HMOP No.40 of 2016 on the file of Subordinate Court, Sivakasi and transfer the same to the Family Court at Coimbatore.

For Petitioner : Mr.D.Shivakumaran
For Respondent : No appearance

O R D E R

The respondent initiated proceedings in HMOP No.40 of 2016 before the Sub-Court, Sivakasi, 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 in spite of printing his name in the cause list after service.

3. The proceedings in HMOP No.40 of 2016 initiated by the respondent is now pending on the file of Sub-Court, Sivakasi. The petitioner is a permanent resident of Coimbatore. According to the petitioner, on account of her physical condition, it would not be possible for her to appear before the Subordinate Court at Sivakasi for the purpose of defending the proceedings in HMOP No.40 of 2016. 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 The proceedings in H.M.O.P.No.40 of 2016 is withdrawn from the file of Subordinate Court, Sivakasi and is transferred to the file of Family Court, Coimbatore, for disposal on merits.

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

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

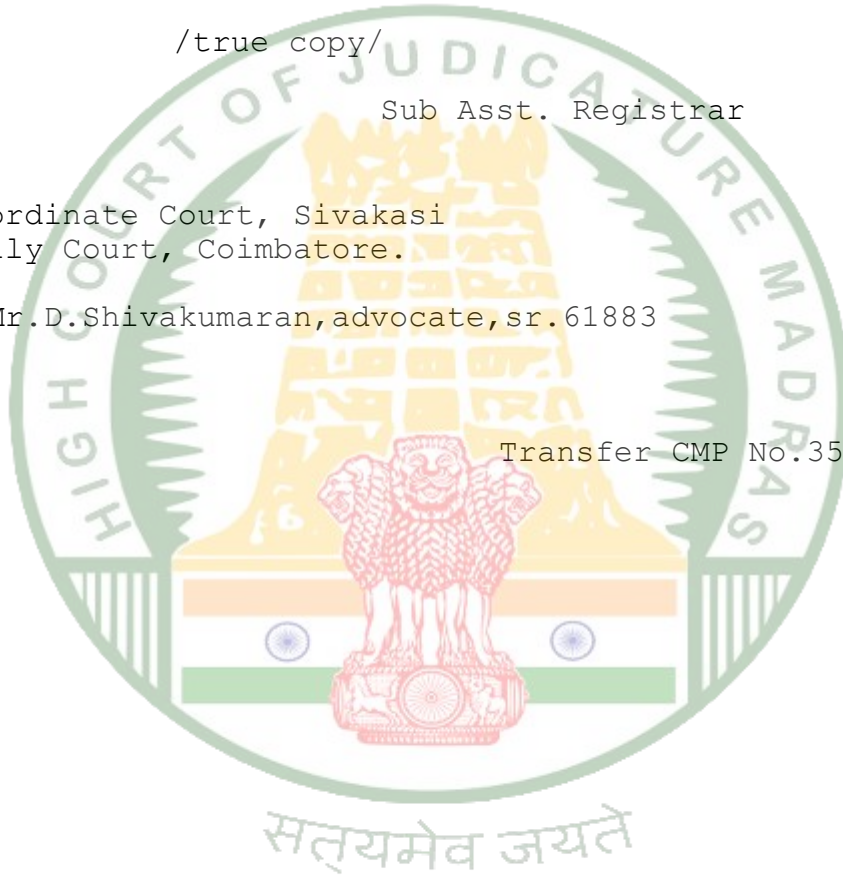
To

- 1.The Subordinate Court, Sivakasi
- 2.The Family Court, Coimbatore.

+1 cc to Mr.D.Shivakumaran,advocate,sr.61883

cp(co)
krd 23/11

Transfer CMP No.352 of 2016



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