

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.354 of 2016 and
CMP.No.9532 of 2016

Neelavathy @ Nandhini

...Petitioner

versus

Sudhakar

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw HMOP No.88 of 2015 on the file of Subordinate Court at Arani, Thiruvannamalai District and transfer the same to the file of III Additional Family Court at Chennai along with M.C.No.403 of 2012 to be heard and disposed of.

For Petitioner : Ms.Manjula Chauven for
M/s.Majestic Law Firm

For Respondent : No appearance

O R D E R

The respondent filed original proceedings in HMOP No.88 of 2015 before the Sub-Court at Arani, praying for a decree of divorce. The petitioner, even before the initiation of the original proceedings for divorce, filed a petition in M.C.No.403 of 2012 before the III Additional Family Court at Chennai, praying for an order to grant her maintenance. The present petition is filed to transfer the proceedings from the Sub-Court at Arani to a Court at Chennai.

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. There are two proceedings now pending before two different Courts. The proceedings in M.C.No.403 of 2012 was initiated by the petitioner before the III Additional Family Court at Chennai. It was only thereafter, the respondent initiated proceedings in HMOP No.88 of 2015 before the Sub-Court at Arani for divorce.

4. The petitioner is a permanent resident of Kolathur. According to the petitioner, it would not be possible for her to appear before the Court at Arani for the purpose of

defending the proceedings in HMOP No.88 of 2015. There is nothing on record to disbelieve the case pleaded by the petitioner. I am therefore of the view that the transfer petition deserves to be allowed.

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 The proceedings in H.M.O.P.No.88 of 2015 is withdrawn from the file of Sub-Court, Arani and is transferred to the file of III Additional Family Court, Chennai for disposal along with M.C.No.403 of 2012.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

svki

To

- 1.The Subordinate Judge, Arani, Thiruvannamalai District
- 2.The III Additional Judge, Chennai.

+ 1 cc to M/s. Majestic Law Firm, Advocate Sr.60037

सत्यमेव जयते

Transfer CMP No.354 of 2016

VD(CO)

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