

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2016

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Tr.C.M.P. No.355 of 2016
and
C.M.P.No.9651 of 2016

A.Durga Devi

.. Petitioner

vs.

P.Gowsikraj

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. praying to withdraw the HMOP No.41 of 2016 pending on the file of the Subordinate Court, Poonamallee and transfer the same before the Family Court, Ooty.

For Petitioner : Mr.S.Makesh

For Respondent : No appearance

O R D E R

The respondent initiated proceedings before the Subordinate Court at Poonamallee in H.M.OP.No.41 of 2016 against the petitioner for divorce.

2. The petitioner, who is a resident of Ooty, is before this Court with a request to transfer the proceedings.

3. Heard the learned counsel for the petitioner. None appears on behalf of the respondent inspite of printing his name in the cause list after service of notice.

4. The proceedings initiated by the respondent is pending before the Subordinate Court at Poonamallee. According to the petitioner, being the resident of Ooty, it would not be possible for her to appear before the Subordinate Court at Poonamallee for the purpose of defending the proceedings pending before the said Court. There is nothing on record to suspect the bona fides in filing this Transfer Petition.

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 produced materials justifying her case for transfer. In view of the same, the Transfer Petition deserves to be allowed.

7. The proceedings in H.M.O.P.No.41 of 2016 is withdrawn from the file of the Subordinate Court at Poonamallee and is transferred to the file of the Family Court at Ooty.

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

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1.The Subordinate Judge, Poonamallee

2.The Judge, Family Court, Ooty.

+1 cc to Mr.S.Makesh,advocate,sr.67675

sr(co)
krd 26/12

Tr.C.M.P.No.355 of 2016
and
C.M.P.No.9651 of 2016

सत्यमेव जयते

WEB COPY