

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 14.09.2016
CORAM
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
Transfer CMP No.361 of 2016
and
CMP No.9681 of 2016

D.Jayageetha

...Petitioner

versus

R.Sathiyamarayanan @ Sathiya Rajasekharan

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw H.M.O.P.No.414/2015 on the file of Sub-ordinate Judge of Tambaram and to transfer the same on the file of the District Family Judge of Coimbatore to be tried along with H.M.O.P.No.293/2016 pending on its file.

For Petitioner : Mr.R.Nagasundaram

For Respondent : No appearance

O R D E R

Heard the learned counsel appearing for the petitioner. None appears on behalf of the respondent.

2. The respondent initiated proceedings in H.M.O.P.No.414 of 2015 before the Sub-Court at Tambaram against the petitioner praying for a decree of divorce. The petitioner thereafter filed proceedings in H.M.O.P.No.293 of 2016 before the Family Court at Coimbatore. It was filed for a decree of restitution of Conjugal rights. The petitioner filed another proceedings in M.C.No.47 of 2016 before the Family Court at Coimbatore. Thus, two proceedings are now pending before the Family Court, Coimbatore. The present request is to transfer the proceedings in H.M.O.P.No.414 of 2015 to the Court at Coimbatore.

3. The petitioner in the affidavit filed in support of the transfer petition contended that she is a permanent resident of Coimbatore. She has to travel about 490 kms to attend the Court at Tambaram. It would not be possible for her to appear before the Court at Tambaram, in view of her family situation. The petitioner therefore wanted to transfer the proceedings. There is nothing on record to disbelieve the version given by the petitioner.

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 the proceedings.

5. The petitioner has produced acceptable materials before this Court to demonstrate, that it would not be possible for her to appear before the Court at Tambaram. I am therefore of the view that the matrimonial proceedings now pending before the Sub-Court at Tambaram deserves to be transferred to the Family Court at Coimbatore.

6. In the result, the proceedings in H.M.O.P.No.414 of 2015 is withdrawn from the file of the Sub-Court, Tambaram and is transferred to the file of Family Court, Coimbatore for trial along with H.M.O.P.No.293 of 2016.

The transfer CMP is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mk/svki

To

- 1.The Family Court, Coimbatore.
- 2.The Sub-Court, Tambaram.

+1 cc to M/s.N.Nithianandam Advocate sr 52272

Transfer CMP No.361 of 2016

aa21/10/2016