

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.365 of 2016 and

CMP.No.9702 of 2016

Gowri Priya

...Petitioner

versus

Mahesh Kumar

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw HMOP No.57 of 2016 from the file of Principal Sub-Court, Thanjavur and to transfer the same to the file of Family Court, Karaikal for joint trial and disposal along with HMOP No.13 of 2016 pending therein.

For Petitioner : Mr.T.M.Naveen

For Respondent : No appearance

O R D E R

The respondent in HMOP No.57 of 2016 on the file of Principal Sub-Court at Thanjavur is the petitioner in this transfer petition.

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

3. The respondent initiated proceedings against the petitioner in HMOP No.57 of 2016 before the Principal Sub-Court, Thanjavur, praying for a decree of divorce. The petitioner, on the other hand filed HMOP No.13 of 2016 before the Family Court, Karaikal, praying for a decree under Section 9 of the Hindu Marriage Act. The petitioner is before this Court with a prayer for transfer of the proceedings in HMOP No.57 of 2016 to the file of Family Court, Karaikal.

4. The petitioner is a native of Karaikal. She is presently working at Chennai. According to the petitioner, she is going back to Karaikal every week from Chennai and has been appearing before the Court at Thanjavur. It is the grievance of the petitioner that it would not be possible for her to attend the Court at Thanjavur regularly to defend the proceedings in HMOP No.57 of 2016. There is nothing on record to suspect the bonafides 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 sufficient materials justifying her request for transfer. I am therefore of the view that the transfer petition deserves to be allowed.

7. The proceedings in H.M.O.P.No.57 of 2016 is withdrawn from the file of Principal Sub-Court, Thanjavur and is transferred to the file of Family Court, Karaikal, for disposal along with H.M.O.P.No.13 of 2016.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Principal Sub-Judge, Thanjavur
- 2.The Judge Family Court, Karaikal

+1 cc to M/s.K.P.Jotheeswaran Advocate sr 65600

सत्यमेव जयते

Transfer CMP No.365 of 2016

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