

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 04.11.2016
CORAM:
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
TR CMP NO.389 OF 2016
AND CMP NO.10352 OF 2016

T.Premavathi

... Petitioner

versus

K.Ramasamy @ Rajasekar

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw and transfer the H.M.O.P.No.347 of 2015 on the file of Family Court at Salem to Family Court, Chennai.

For Petitioner : Ms.R.Meenakshi
For Respondent : No appearance

O R D E R

The respondent initiated proceedings in H.M.O.P.No.347 of 2015, before the Family Court, Salem, against the petitioner, 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 petitioner is a resident of Chennai. The proceedings in H.M.O.P.No.347 of 2015 is now pending before the Sub Court at Salem. According to the petitioner, she is maintaining her minor child with considerable difficulties. The petitioner has to travel about 300 kms to appear before the Family Court at Salem.

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 justifying transfer. In fact, there is nothing on record suspecting the bonafides in filing this transfer petition. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceedings in H.M.O.P.No.347 of 2015 is withdrawn from the file of Family Court, Salem and is transferred to the file of Family Court at Chennai, for disposal on merits.

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

-s/d-
Assistant Registrar

true Copy

Sub-Assistant Registrar

TK

To

1. The Judge,
The Family Court
Salem.
2. The Judge,
The Family Court
Chennai.

+1 cc to Mrs.R.Meenakshi Advocate sr 62963

TR CMP NO.389 OF 2016

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