

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.390 of 2016
and
CMP.No.10379 of 2016

Girija

... Petitioner

versus

Somasundaram

... Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw and transfer H.M.O.P.No.29 of 2016 on the file of Sub-Judge, Cheyyar and ordering the transfer of the case to the file of Sub-Court, Arakkonam for further hearing.

For Petitioner : Mr.S.Deivasigamani

For Respondent : Mr.P.Mani

O R D E R

The respondent in H.M.O.P.No.29 of 2016 on the file of Sub-Court at Cheyyar is the petitioner in this transfer petition.

2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

3. The respondent instituted proceedings in HMOP No.29 of 2016 against the petitioner before the Sub-Court at Cheyyar, praying for a decree of divorce. The petitioner has come up with this petition on the ground that it would be difficult for her to defend the proceedings at Cheyyar.

4. The learned counsel for the respondent submitted that the respondent would also be put to difficulties, in case, the matter is transferred to the Court at Arakkonam.

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 matter is now pending before the Court at Cheyyar. The petitioner, being a resident of Vellore is correct in her contention that she would not be in a position to defend the proceedings properly, in case, the matter is taken up by the Court at Cheyyar. I am therefore of the view that the transfer petition deserves to be allowed.

7. The proceedings in H.M.O.P.No.29 of 2016 is withdrawn from the file of Sub-Court, Cheyyar and is transferred to the file of Sub-Court, Arakkonam.

8. It is open to the respondent to file appropriate application before the learned Trial Judge to dispense with his personal appearance on the normal dates of hearing, subject to the condition that he would appear on all the effective dates of hearing.

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

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

svki

To

1.The Sub Judge,
Cheyyar.

2.The Sub Judge,
Arakkonam.

+1cc to Mr.P.Mani, Advocate, S.R.No.55128

+1cc to Mr.S.Deivasigamani, Advocate, S.R.No.55304

Transfer CMP No.390 of 2016

SR(CO)
CA(01/11/2016)