

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.394 of 2016 and

CMP.No.10468 of 2016

G.Sundaravalli ...Petitioner/Respondent

versus

N.T.Hari ...Respondent/Petitioner

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to transfer the HMOP No.4309 of 2014, pending on the file of the Family Court III, Chennai to the file of the Sub-Court, Palani, Dindigul District.

For Petitioner : Ms.S.Sujatha
For Respondent : Mr.D.Baskar

O R D E R

This transfer petition is filed by the respondent in HMOP.No.4309 of 2014 on the file of Family Court, III, Chennai to transfer the proceedings to the Sub-Court, Palani, Dindigul District.

2. The petitioner is the wife of the respondent. The marriage was solemnised on 10.11.2008. The petitioner delivered a male child on 18.08.2009. Thereafter, the relationship between the petitioner and the respondent was not cordial. The respondent filed a divorce petition before the Family Court at Chennai. It was registered as HMOP No.4309 of 2014. The petitioner on receipt of summons from the Trial Court has come up with this petition for transfer.

3. According to the petitioner, she is a permanent resident of Palani. She was appointed as Revenue Assistant at Taluk Office, Sankari, Salem District. She is now on probation. She has to look after her son, who is only seven years old. In view of the employment of the petitioner at Sankari and the education of her minor child at Palani, she is not in a position

to come over to Chennai and to prosecute the proceedings. Moreover, her parents are aged and it would not be possible for them to accompany her to Chennai.

4. The respondent in his counter affidavit contended that the petitioner would be in a position to come over to Chennai, as she is having sufficient means. According to the respondent, his family is at Chennai and as such, it would be difficult for him to prosecute the proceedings before the Court at Palani.

5. There is no dispute that the matrimonial proceedings was initiated only by the respondent. Since the respondent is a resident of Chennai, he filed divorce petition before the Family Court at Chennai. Admittedly, the petitioner is a resident of Palani. She is employed at Sankari, Salem District and her minor son is a student of an educational institution at Palani.

6. 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.

7. The petitioner in this case demonstrated that it would not be possible for her to come over to Chennai and conduct the proceedings. I am therefore of the view that this is a fit case to transfer the matrimonial proceedings from Chennai to Palani.

8. In the result, the proceedings in HMOP No.4309 of 2014 is withdrawn from the file of Family Court III, Chennai and is transferred to the file of Sub-Court, Palani. The learned Subordinate Judge is directed to dispose of the matrimonial proceedings as expeditiously as possible.

9. 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

svki

To

1.The Family Court III, Chennai

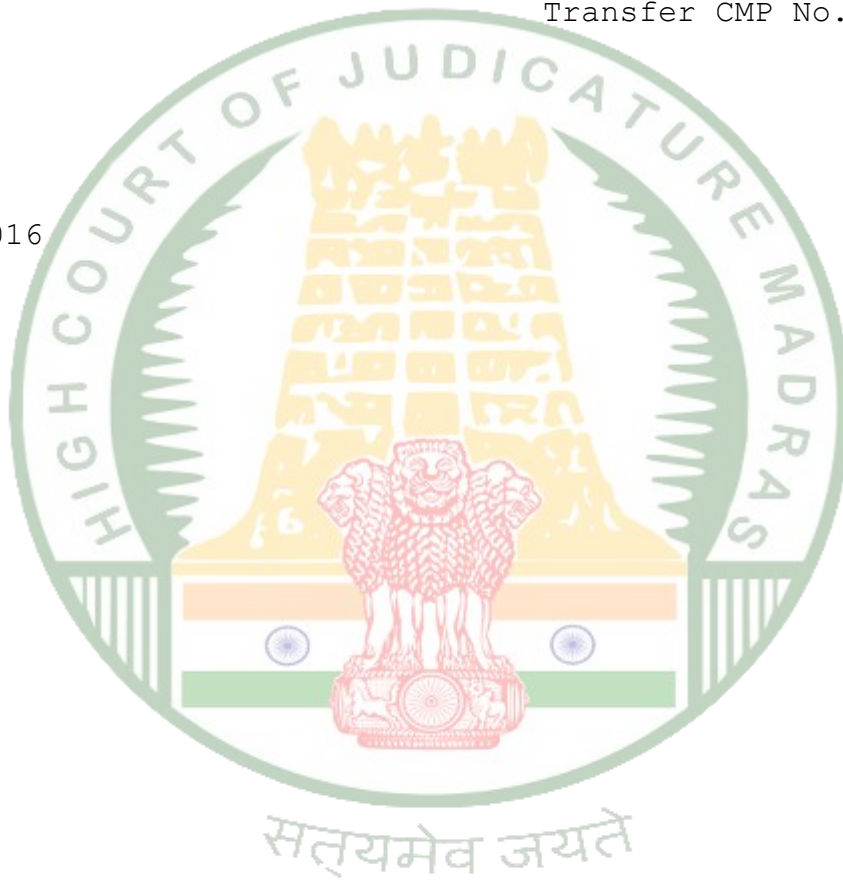
2.The Sub-Court, Palani, Dindigul District.

+1 cc to Mr.D.Baskar Advocate vide sr 51688

+1 cc to Mr.P.Chandrasekaran Advocate vide sr 50928

Transfer CMP No.394 of 2016

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