

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.399 of 2016

Ramya

...Petitioner

versus

Sasi Kumar

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw HMOP No.73 of 2015 on the file of Subordinate Court at Thiruvannamalai and to transfer the same to the file of Family Court, Chennai.

For Petitioner : Ms.Anusuya

For Respondent : No appearance

O R D E R

The respondent initiated proceedings in HMOP No.73 of 2015 before the Sub-Court at Thiruvannamalai, invoking Section 9 of the Hindu Marriage Act. The petitioner, who is a resident of Mugappair is before this Court with a request to transfer the matrimonial proceedings.

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 respondent initiated matrimonial proceedings before the Sub-Court, Tiruvannamalai. According to the petitioner, the respondent is also a resident of Mugappair and it was only to cause her difficulties, proceedings were initiated before the Sub-Court at Tiruvannamalai.

4. The petitioner is a resident of Mugappair at Chennai. According to the petitioner, it would not be possible for her to travel all along from Mugappair to Tiruvannamalai for the purpose of defending the proceedings in HMOP No.73 of 2015

5. There is nothing on record to suspect the bonafides in filing this transfer petition.

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 respondent was served by the Registry at his Mugappair address. Therefore, it is clear that even the respondent is residing at Chennai. I am therefore of the view that the transfer petition deserves to be allowed.

8. The proceedings in H.M.O.P.No.73 of 2015 is withdrawn from the file of Sub-Court, Thiruvannamalai and is transferred to the file of Family Court, Chennai, for disposal on merits.

9. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

svki

To

1.The Sub-Judge, Thiruvannamalai

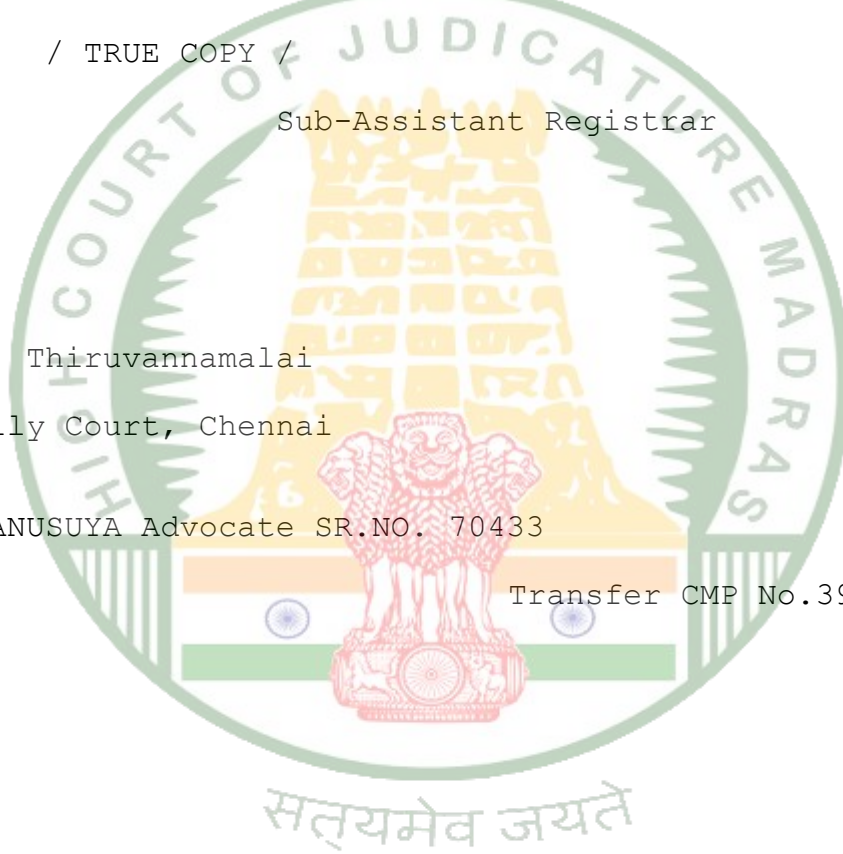
2.The Judge Family Court, Chennai

+1 cc to M/S.G.ANUSUYA Advocate SR.NO. 70433

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RD 30/12/2016



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