

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.4 of 2016 and
CMP.No.90 of 2016

Thara Venkateshwari ...Petitioner/Respondent in
H.M.O.P.No.99/15

versus

D.Gunalan ...Respondent/Petitioner in
H.M.O.P.No.99/15

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw the proceedings in HMOP No.99 of 2015 on the file of Sub-Court, Gobichettipalayam and to transfer the same to the file of Sub-Court at Udumalpet.

For Petitioner : Mr.A.S.Vijayaraghavan

For Respondent : No appearance

O R D E R

The respondent in HMOP No.99 of 2015 on the file of Sub-Court, Gobichettipalayam is the petitioner in this transfer petition.

2. The respondent initiated proceedings in HMOP No.99 of 2015 before the Sub-Court, Gobichettipalayam, praying for a decree of divorce. The petitioner is stated to be a resident of Udumalpet in the district of Tirupur. According to the petitioner, it would be very difficult for her to travel all along from Udumalpet to Gobichettipalayam for the purpose of defending the proceedings in HMOP No.99 of 2015.

3. 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.

4. The proceedings initiated by the respondent is pending before the Sub-Court at Gobichettipalayam. According to the petitioner, she has not been paid maintenance by the respondent.

The petitioner has to travel from Udumalpet to Gobichettipalayam very frequently in connection with the proceedings pending before the Sub-Court at Gobichettipalayam. 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 The proceedings in H.M.O.P.No.99 of 2015 is withdrawn from the file of Sub-Court, Gobichettipalayam and is transferred to the file of Sub-Court, Udumalpet, for disposal on merits.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

svki

To

1.The Sub-Court,
Gobichettipalayam.

2.The Sub-Court,
Udumalpet.

+1cc to Mr.A.S.Vijayaragavan, Advocate Sr.65066

Transfer CMP No.4 of 2016

pvs[co]
srg 22/12/2016