

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.400 of 2016 and

CMP.No.10762 of 2016

Thenamudhu ...Petitioner/Respondent

versus

R.Mohan Kumar ...Respondent/Petitioner

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw H.M.O.P.No.753 of 2012 on the file of Family Court, Coimbatore and transfer the same to any competent court at Tirupur.

For Petitioner : Mr.M.N.Balakrishnan

For Respondent : Mr.R.Anbukarasu

O R D E R

The respondent in H.M.O.P.No.753 of 2012 on the file of Family Court, Coimbatore is the petitioner in this transfer petition.

2. The respondent instituted proceedings in HMOP No.753 of 2012 against the petitioner before the Family Court at Coimbatore, praying for a decree of divorce. The petitioner has come up with this petition to transfer the proceedings to a Court at Tiruppur.

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

4. It is the contention of the respondent that it would be difficult for the respondent to appear before the Court at Tiruppur, in case, the matter is transferred to the said district.

5. The petitioner is a permanent resident of Avinashi. According to the petitioner, it would be difficult for her to appear before the Court at Coimbatore along with her minor child. There is nobody to look after the minor child and as

such, she has to carry the child also while attending the Court at Coimbatore.

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 has produced materials to demonstrate that it would be difficult for her to defend the proceedings before the Court at Coimbatore. I am therefore of the view that the matter requires transfer.

8. The proceedings in H.M.O.P.No.753 of 2012 is withdrawn from the file of Family Court, Coimbatore and is transferred to the file of Sub-Court, Tiruppur, for disposal on merits.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

svki

To

1.The Family Court, Coimbatore.

2.The Sub-Court, Tiruppur.

+1cc to Mr.R.Anbukarasu, Advocate sr.55748

+1cc to Mr.N.Balakrishnan, Advocate sr.55168

Transfer CMP No.400 of 2016

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srg 01/11/2016