

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2016

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN

Transfer CMP.No.408 of 2016 and  
C.M.P.No.10922 of 2016

J.Keerthana

...Petitioner

vs.

D.Prabhu

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the case in HMOP.No.6 of 2016 pending on the file of the learned Family Court, Villupuram and transfer the same to the learned Principal Subordinate Court at Tiruvannamalai.

For Petitioner : Mr.S.Ambigapathi

For Respondent : Mr.C.Munusamy

O R D E R

The petitioner is the respondent in HMOP No.6 of 2016 on the file of the Family Court, Villupuram. The petitioner has come up with this transfer petition for transfer of the proceedings to the Principal Sub-Court at Tiruvannamalai.

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

3. The proceedings in HMOP No.6 of 2016 was instituted by the respondent, praying for a decree of restitution of conjugal rights. The petitioner entered appearance and thereafter, filed this petition for transfer.

4. The petitioner has come up with this transfer petition on the ground that being a resident of Tiruvannamalai, it would not be possible for her to appear before the Court at Villupuram for the purpose of defending the proceedings.

5. There is nothing on record to disbelieve the case pleaded by the petitioner in the 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 petitioner has produced sufficient materials warranting transfer of the proceedings from Villupuram to Tiruvannamalai. I am therefore of the view that the transfer petition deserves to be allowed.

8. In the result, the proceedings in HMOP No.6 of 2016 is withdrawn from the file of Family Court, Villupuram and is transferred to the file of Principal Sub-Court, Tiruvannamalai for disposal on merits.

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

svki

Sd/-  
Assistant Registrar (J)

/TRUE COPY/

Sub-Assistant Registrar

To

1. The Family Court, Villupuram.

2. The Principal Sub-Court,  
Tiruvannamalai.

+1CC to MR.C.MUNUSAMY Advocate SR.NO.54738

+1CC to MR.S.AMBIGAPATHI Advocate SR.NO.54638

Transfer CMP.No.408 of 2016

SSK[CO]  
MK:25/10/2016

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