

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.413 of 2016
and
CMP.No.10988 of 2016

M.Shanthi

... Petitioner

Versus

K.Mohanraj

... Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw the petition in HMOP No.47 of 2015 pending on the file of Sub-Court, Rasipuram and transfer the same to Sub-Court at Sankagiri.

For Petitioner : Mr.P.Saravana Sowmiyan

For Respondent : No appearance

O R D E R

The respondent initiated proceedings in HMOP No.47 of 2015 before the Sub-Court at Rasipuram, praying for a decree of divorce. The petitioner, on appearance before the Trial Court filed this petition for transfer.

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 proceedings initiated by the respondent for divorce is pending before the Sub-Court at Rasipuram. The petitioner is a resident of Komarapalayam, Namakkal District. According to the petitioner, it would not be possible for her to defend the proceedings in HMOP No.47 of 2015 in case, the same is continued before the Sub-Court at Rasipuram.

4. 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.

5. There is nothing on record to suspect the bonafides in filing this transfer petition. I am therefore of the view that the petitioner has made out a case for transfer.

6. The proceedings in H.M.O.P.No.47 of 2015 is withdrawn from the file of Sub-Court, Rasipuram and is transferred to the file of Sub-Court, Sankagiri, for disposal on merits.

7. The Transfer Civil Miscellaneous Petition 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

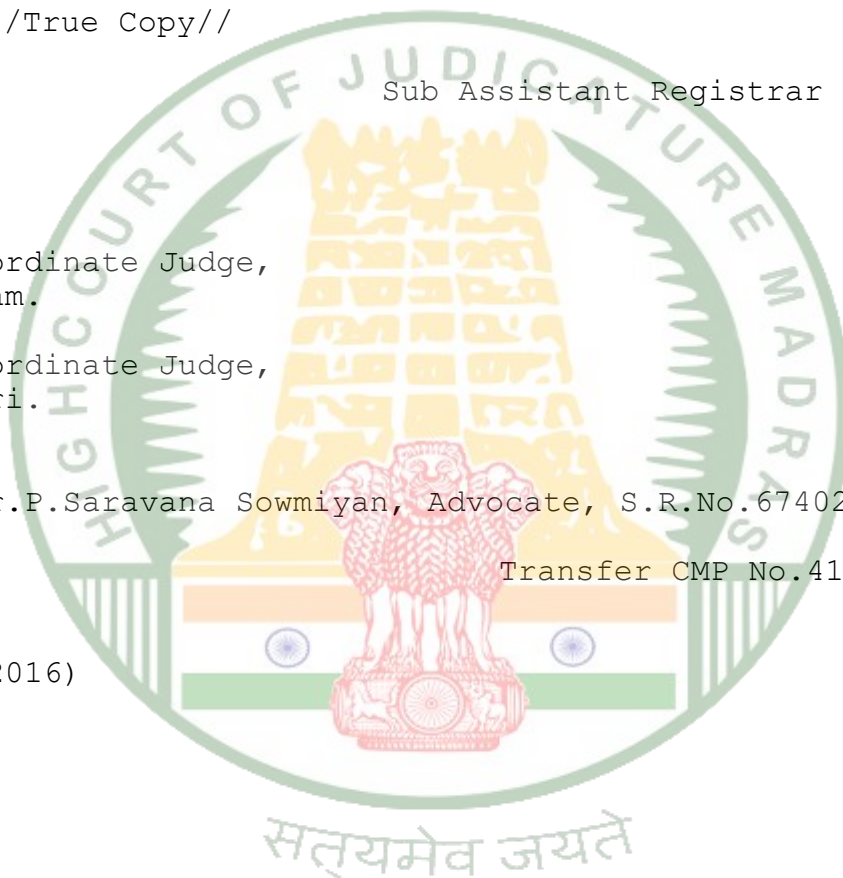
1.The Subordinate Judge,
Rasipuram.

2.The Subordinate Judge,
Sankagiri.

+1cc to Mr.P.Saravana Sowmiyan, Advocate, S.R.No.67402

Transfer CMP No.413 of 2016

TM(CO)
CA(09/12/2016)



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