

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.415 of 2016 and

CMP.No.11016 of 2016

Sumathra

...Petitioner

versus

Saravanan

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the petition in MOP No.335 of 2015 on the file of the Family Court at Puducherry and to transfer the same to file of Principal Sub Court, Thanjavur.

For Petitioner : Mr.J.Antony Jesus

For Respondent : Mrs.V.Vanitha

O R D E R

The respondent in MOP No.335 of 2015, on the file of Family Court at Puducherry is the petitioner in this transfer petition.

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

3. The respondent initiated proceedings in MO.P.No.335 of 2015, before the Family Court at Puducherry, against the petitioner praying for a decree of divorce. The petitioner on appearance before the Trial Court filed this petition for transfer.

4. The petitioner is stated to be a resident of Thiruchotruthurai, Thiruvaiyar. Petitioner has to travel about 6 hours to attend the Court at Puducherry. According to the petitioner, she is at the mercy of her parents even for her livelihood and it would not be possible for her to appear before the Court at Puducherry for defending the proceedings. There is nothing on record to disbelieve the case pleaded by the petitioner.

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. In view of the background facts, the matrimonial proceedings pending before the Family Court at Puducherry, deserves to be transferred to the Principal Sub Court, Thanjavur.

7. Learned counsel for the respondent submitted that on account of alimant the respondent would not be in a position to attend the proceedings regularly.

8. The respondent is given liberty to make appropriate application before the Trial Court, to dispense with his personal appearance on condition that he would appear on all effective dates of hearing.

9. In the result, the proceedings in MOP No.335 of 2015 is withdrawn from the file of Family Court, Puducherry, and transferred to the file of Principal Sub Court, Thanjavur, for disposal on merits.

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

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Family Court, Puducherry
- 2.The Principal Sub Court, Thanjavur.

+1cc to Mr.J. Antony Jesus, Advocate, S.R.No.54651
+1cc to M/s. V. Vanitha, Advocate, S.R.No.54442

SV(CO)
EU(01/11/2016)

Transfer CMP No.415 of 2016