

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2016

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Tr.C.M.P.No.417 of 2016

And

C.M.P.No.11019 of 2016

B.Mahalakshmi @ Monica ... Petitioner

Vs.

S.Thangapandian @ S.Jeeva ... Respondent

Prayer:

Petition filed under Section 24 of the Civil Procedure Code seeking to withdraw the petition in H.M.O.P.No.346/2015 pending on the file of the Learned Family Court at Erode and to transfer the same to the Learned Sub Court at Tiruppur.

For Petitioner : Mr.T.Sundaravadanam

For Respondent : Mr.I.C.Vasudevan

O R D E R

The petitioner has come up with this transfer petition with a prayer to withdraw the proceedings in H.M.O.P.No.346 of 2015 from the file of the Family Court, Erode and to transfer the same to the Sub Court, Tiruppur.

2.The respondent initiated divorce proceedings in H.M.O.P.No.346 of 2015 before the Family Court, Erode. The petitioner on appearance before the said Court filed this application for transfer on the ground that being a permanent resident of Tiruppur, it will not be possible for her to travel all along to Erode for the purpose of prosecuting the divorce petition.

3.Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4.There is no dispute that the petitioner is a resident of Tiruppur. The proceedings in H.M.O.P.No.346 of 2015 is now pending before the Family Court, Erode.

5.The petitioner has taken up a contention in the affidavit filed in support of the transfer petition that the respondent is working as a Merchandiser in Knit Garments, Tiruppur and is staying there. The said contention remain un-challenged.

6.Section 19(iii) of the Hindu Marriage Act permits the wife to file matrimonial proceedings before the Court in whose jurisdiction she is residing at the time of filing the matrimonial proceedings. Insofar as the present case is concerned, the petitioner is a permanent resident of Tiruppur. No prejudice will be caused to the respondent in case the H.M.O.P. is transferred to the Court at Tiruppur.

7.In the result, the proceedings in H.M.O.P.No.346 of 2015 is withdrawn from the file of the Family Court, Erode and is transferred to the file of the Sub Court, Tiruppur for disposal on merits. The learned Trial Judge is requested to dispose of the matter as expeditiously as possible.

8.The transfer petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1.The Family Court,
Erode.

2.The Sub Court,
Tiruppur

1 cc to M/s.T.Sundaravadanam, Advocate, sr.51481

1 cc to M/s.I.C.Vasudevan, Advocate, sr.51318

Tr.C.M.P.No.417 of 2016

And C.M.P.No.11019 of 2016

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kra 27.09.2016