

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.429 OF 2016

AND

CMP NO.11413 OF 2016

U.Vidhyapriya ... Petitioner/Respondent

versus

D.Rajeshkumar ... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw F.C.O.P.No.234/2016 on the file of the Special Judge Family Court of Salem and transfer the same to Family Court at Coimbatore.

For Petitioner : Mr.M.N.Balakrishnan

For Respondent : No appearance

O R D E R

The respondent in F.C.O.P.No.234 of 2016, on the file of the Family Court, Salem, is the petitioner in this transfer petition.

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 in F.C.O.P.No.234 of 2016 was initiated by the respondent, praying for a decree of divorce, before the Family Court at Salem.

4. The petitioner is a resident of Coimbatore. According to her, she has to look after her aged parents. Since it is a Family Court, her presence is a must before the Trial Court at Salem. According to the petitioner, it would be very difficult for her to travel from Coimbatore to Salem, for the purpose of defending the proceedings in F.C.O.P.No.234 of 2016. There is nothing on record suspecting the bonafides in filing this transfer petition.

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. The petitioner has produced sufficient materials justifying transfer. I am therefore of the view that the transfer petition deserves to be allowed.

7. The proceedings in F.C.O.P.No.234 of 2016 is withdrawn from the file of Family Court, Salem and is transferred to the file of Family Court at Coimbatore, for disposal on merits.

8. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

TK

To

1. The Judge,
Family Court
Salem.
2. The Judge,
Family Court
Coimbatore.

+1cc to Mr.M.N.Balakrishnan, Advocate, S.R.No.62953

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

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