

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.432 of 2016 and

CMP.No.11661 of 2016

Vennila

...Petitioner

versus

L.Karthik Rajan

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the FCOP No.63 of 2016 on the file of the Family Court, Chengalpattu and transfer the same to the Family Court at Coimbatore.

For Petitioner : Mr.K.Myilsamy

For Respondent : Mr.J.Kannan

O R D E R

The respondent initiated proceedings in FCOP.No.63 of 2016, for divorce before the Family Court at Chengalpattu. The petitioner, on receipt of notice from the trial court, has filed this petition for transfer.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent.

3. The proceeding for divorce is now pending before the Family Court at Chengalpattu. The petitioner is a resident of Coimbatore. According to the petitioner, it would be very difficult for her to appear before the Family Court at Chengelpet for the purpose of defending the proceedings in FCOP No.63 of 2016. There is nothing on record to suspect the bonafides in filing this transfer petition.

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. The petitioner has given justifiable reasons in support of her plea for transfer. I am therefore of the view that the petition deserves to be allowed.

6. The proceeding in FCOP No.63 of 2016 is withdrawn from the file of Family Court at Chengelpet and is transferred to the file of Family Court at Coimbatore for disposal on merits, along with M.C.No.494 of 2011.

7. The respondent is given liberty to make an application before the Family Court at Coimbatore to dispense with his personal appearance. In case any such application is filed with an undertaking that he would appear on all the effective dates of hearing and cooperate for an early disposal of the matter, the same shall be considered and disposed of by the learned Trial Judge, taking into account the pre-occupation of the respondent at Chennai.

8. The Transfer CMP is allowed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

ajr

To

1. Family Court,
Chengalpattu

2. Family Court,
Coimbatore.

1 cc to Mr.K. Myilsamy, Advocate, 61309
1 cc to Mr.J. Kannan, Advocate, Sr. 61240

Transfer CMP No.432 of 2016

SS (CO)
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