

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.444 OF 2016

AND

CMP NO.11919 OF 2016

K.Jancy Rani

... Petitioner

Versus

R.Prabu Chandra Sekar

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw the O.P.No.2188 of 2016 on the file of the Principal Family Court, Chennai and to transfer the same to the Family Court, Coimbatore.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.M.L.Mahendran

O R D E R

The respondent initiated a matrimonial proceedings for restitution of conjugal rights in O.P.No.2188 of 2016, before the Principal Family Court, Chennai.

2. The petitioner, who is a resident of Mettupalayam has come up with this petition for transfer.

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

4. The matrimonial proceedings initiated by the respondent is now pending before the Principal Family Court at Chennai. According to the petitioner, she is staying at Mettupalayam along with her minor child. It is her grievance that it would not be possible for her to appear before the Court at Chennai after travelling about 1000 kms. The petitioner is stated to be unemployed. 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 her request for transfer. I am therefore of the view that the transfer petition deserves to be allowed.

7. The proceedings in O.P.No.2188 of 2016 is withdrawn from the file of Principal Family Court, Chennai, and is transferred to the file of Family Court, Coimbatore, for disposal on merits.

8. The learned counsel for the respondent submitted that there is a possibility of settlement, in case the matter is referred to mediation.

9. The learned Judge, Family Court, Coimbatore is directed to refer the parties to mediation for the purpose of settlement. The question of taking up the matter for trial or arrive at a decision would arise only in case the parties fail to arrive at a settlement.

10. The Transfer Civil Miscellaneous Petition is allowed with the above observation. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

TK

To

1. The Principal Judge,
Family Court,
Chennai.

2. The Family Judge,
Coimbatore.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.66438
+1cc to Mr.M.L.Mahendran, Advocate, S.R.No.66188

TR CMP NO.444 OF 2016

SSK(CO)
CA(29/12/2016)