

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.448 of 2016 and

CMP.No.12004 of 2016

Sornavalli ...Petitioner
versus

Rama Subramanian ...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw HMOP No.36 of 2016, pending on the file of the Sub Court, Devakottai and transfer the same to Principal Family Court, Chennai

For Petitioner : Mr. P.R.Murali

For Respondent : No appearance

O R D E R

Heard the learned counsel for the petitioner. None appears on behalf of the respondent.

2. The petitioner is the respondent in HMOP No.36 of 2016 on the file of Subordinate Court at Devakottai. The petitioner, on receipt of summons from the Trial Court, has come up with this petition for transfer.

3. 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.

4. The petitioner is a permanent resident of Chennai. The proceeding in HMOP No.36 of 2016 is pending before the Subordinate Court at Devakottai. According to the petitioner, it would not be possible for her to defend the proceedings properly in case the same is allowed to be taken up by the Subordinate Court at Devakottai. There is nothing on record to suspect the bonafides in filing this transfer petition. I am

therefore of the view that the transfer petition deserves to be allowed.

5. The proceeding in HMOP No.36 of 2016 is withdrawn from the file of Subordinate Court at Devakottai and is transferred to the file of First Additional Judge, Family Court at Chennai for disposal on merits.

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

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

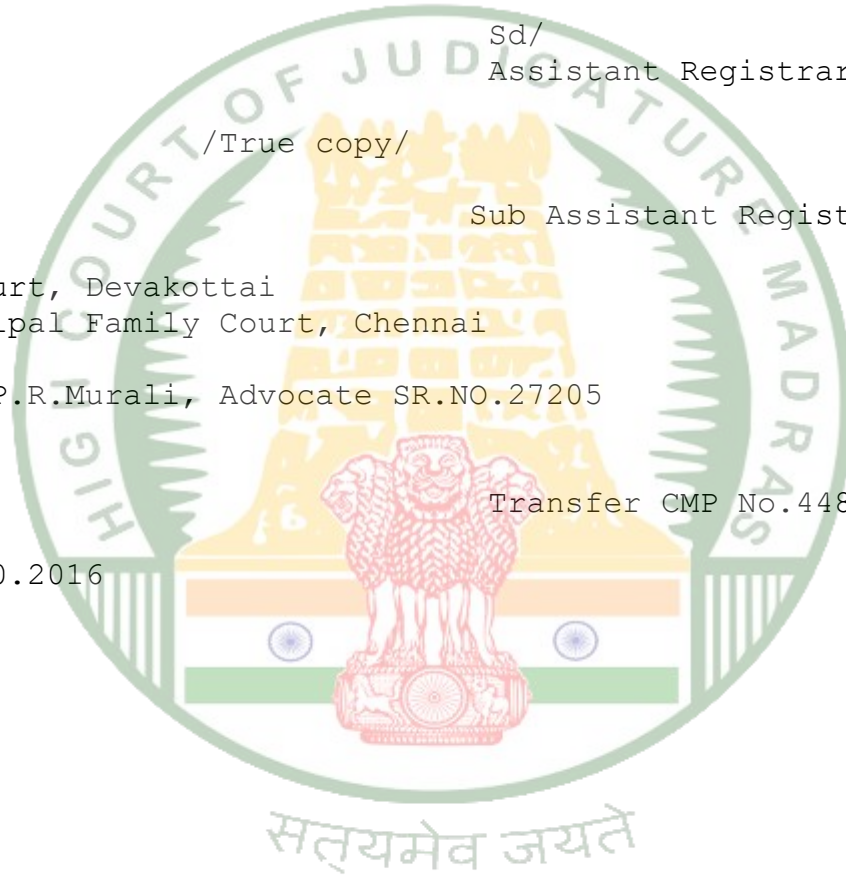
To

1. Sub Court, Devakottai
2. Principal Family Court, Chennai

+1cc to P.R.Murali, Advocate SR.NO.27205

Transfer CMP No.448 of 2016

SDR 22.10.2016



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