

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.450 OF 2016
AND CMP NO.12051 OF 2016

R.Sureshini ... Petitioner

versus

C.Athi @ Raja ... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw and transfer H.M.O.P.No.12/2016 from the file of the learned Subordinate Court, Arni, to the file of the I Additional Family Court at Chennai to be tried along with M.C.No.153/2016.

For Petitioner : Ms.M.Rebecca

For Respondent : No appearance

ORDER

The respondent in H.M.O.P.No.12 of 2016 on the file of Sub Court at Arni is the petitioner in this transfer petition.

2. The petitioner filed a maintenance case in M.C.No.153 of 2016 and the same is pending on the file of the I Additional Family Court, Chennai. The request now is to transfer the proceedings in H.M.O.P.No.12 of 2016.

3. 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.

4. The proceedings in H.M.O.P.No.12 of 2016 was instituted by the respondent invoking Section 9 of the Hindu Marriage Act, 1955. The matter is now pending before the Sub Court, Arni.

5. The petitioner is a permanent resident of Velachery, Chennai. According to the petitioner, she is at the mercy of her uncle and aged mother for her maintenance. In view of the distance factor, it would not be possible for her to appear before the Sub Court at Arni for the purpose of defending the proceedings in H.M.O.P.No.12 of 2016.

6. 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.

7. The petitioner has produced sufficient materials justifying her request for transfer. In fact, there is nothing on record suspecting the bonafides in filing this transfer petition. I am therefore of the view that the transfer petition deserves to be allowed.

8. The proceedings in H.M.O.P.No.12 of 2016 is withdrawn from the file of Sub Court, Arni and is transferred to the file of I Additional Family Court, Chennai, for disposal along with M.C.No.153 of 2016.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Sub Judge,
Arni.

2.The I Additional Judge,
Family Court,
Chennai.

+1cc to M/S.M.Rebecca, Advocate Sr.62952

TR CMP NO.450 OF 2016

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srg 15/12/2016