

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.457 OF 2016

AND CMP NO.12370 OF 2016

Pretty Rose Rani

... Petitioner/Respondent

versus

E.Mohanraj

... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw and transfer the I.D.O.P.No.13 of 2016 on the file of the Family Court, Salem to District Court, Tuticorin.

For Petitioner : Mr.K.Kannan

For Respondent : No appearance

O R D E R

The respondent in I.D.O.P.No.13 of 2016 on the file of Family Court, Salem is the petitioner in this transfer petition.

2. The proceedings in I.D.O.P.No.13 of 2016 was instituted by the respondent before the Family Court at Salem invoking Section 32 of the Indian Divorce Act.

3. The petitioner, who is a resident of Tuticorin, has come up with this petition for transfer of the proceedings.

4. 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.

5. The proceedings in I.D.O.P.No.13 of 2016 is now pending before the Family Court at Salem. According to the petitioner, being a resident of Tuticorin, it would not be possible for her to travel to Salem for the purpose of defending the proceedings in I.D.O.P.No.13 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 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 The proceedings in I.D.O.P.No.13 of 2016 is withdrawn from the file of Family Court, Salem and is transferred to the District Court at Tuticorin, for disposal on merits.

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

-sd/-
Assistant Registrar
/ TRUE COPY /
Sub-Assistant Registrar

TK

To

1.The Family Court
Salem.

2.The District Court
Tuticorin.

TR CMP NO.457 OF 2016

cnr[co]
RD 26/12/2016

सत्यमेव जयते
WEB COPY