

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.467 of 2016 and
CMP.No.12822 of 2016

Revathi ...Petitioner/Respondent

versus

M.Boobesh Kumar ...Respondent/Petitioner

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the case in HMOP No.90 of 2016 on the file of Sub-Court, Kanchipuram and transfer the same to the file of Family Court at Chennai.

For Petitioner : Ms.Rajeswari Karthikeyan
For Respondent : Mr.S.Kingston Jerold

O R D E R

The respondent initiated proceedings in HMOP No.90 of 2016 before the Sub-Court, Kanchipuram, for a decree of declaration with regard to the nullity of marriage between the parties. The petitioner, on receipt of notice from the Trial Court has filed this petition for transfer.

2. The learned counsel for the respondent fairly submitted that the respondent has no objection for transferring the proceedings without admitting any of the averments and allegations made in the transfer petition. According to the learned counsel, the petitioner has made allegations against the respondent without any basis and as such, those allegations are specifically denied.

3.The petitioner is a resident of Chennai. According to the petitioner, it would be difficult for her to appear before the Sub-Court at Kanchipuram for the purpose of defending the proceedings in HMOP No.90 of 2016. Now that the respondent has no objection in transferring the matter, necessarily, the transfer petition deserves to be allowed.

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 The proceedings in H.M.O.P.No.90 of 2016 is withdrawn from the file of Sub-Court, Kanchipuram and is transferred to the file of Principal Family Court, Chennai, for disposal on merits. However, I make it clear that this order would not amount to admission of allegations made by the petitioner against the respondent.

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

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The Sub-Court, Kanchipuram
- 2.The Family Court, Chennai.

+lcc to Mr.Kingston Jerold, Advocate Sr.62098

+lcc to Mrs.Rajeswarikarthikeyan, Advocate Sr.61835

Transfer CMP No.467 of 2016

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srg 02/12/2016

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