

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.471 of 2016 and

CMP.No.12912 of 2016

Lavanya ...Petitioner/Respondent
versus
R. Arun Prasad ...Respondent/Petitioner

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to transfer the HMOP No.1513 of 2016, pending on the file of the III Additional Family Court, Chennai to the file of the Family Court, Coimbatore.

For Petitioner : Mr.A.S.Gunasekaran
For Respondent : No appearance

O R D E R

The petitioner has filed this transfer petition to transfer the proceedings in O.P.No.1513 of 2016 pending on the file of III Additional Family Court, Chennai to the file of Family Court, Coimbatore.

2. Heard the learned counsel appearing for the petitioner. None appears for the respondent inspite of printing his name in the causelist after service.

3. The respondent instituted proceedings in O.P.No.1513 of 2016 before the III Additional Family Court, Chennai praying for a decree of divorce. The petitioner on receipt of summons from the Trial Court has come up with this petition for transfer.

4. The petitioner is said to be a permanent resident of Coimbatore. According to the petitioner, it would not be possible for her to appear before the III Additional Family Court, Chennai, and defend the proceedings.

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 given sufficient materials justifying the transfer of proceedings from the file of III Additional Family Court, Chennai. There is nothing on record

to disbelieve the case pleaded by the petitioner. I am therefore of the view that the petitioner has made out a case for transfer.

7. In the result, the proceedings in OP.No.1513 of 2016 is withdrawn from the file of III Additional Family Court, Chennai and is transferred to the file of Family Court, Coimbatore for disposal on merits.

The transfer petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

1.The III Additional Family Judge, Chennai

2.The Presiding Officer,
Family Court, Coimbatore.

+2 cc's to Mr.Gunasekaran,advocate,sr.54591.

Mg(co)
krd 24/10

Transfer CMP No.471 of 2016

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