

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.474 of 2016
and
CMP.No.12979 of 2016

Jaishree Singh ... Petitioner

versus

Bondil Santhosh Singh ... Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw O.P.No.2451 of 2016 on the file of II Additional Family Court, Chennai and transfer the same to the Hon'ble Principal Family Court, Coimbatore.

For Petitioner : Mr.K.J.Parthasarathy

For Respondent : Ms.C.S.Monika

O R D E R

The respondent initiated proceedings in HMOP No.2451 of 2016 before the II Additional Family Court, Chennai, praying for a decree of divorce. The petitioner is before this Court with a request to transfer the proceedings to the file of Principal Family Court at Coimbatore.

2. Heard the learned counsel for the petitioner and the learned counsel on behalf of the respondent.

3. The respondent filed a counter, wherein, it was indicated that the petitioner has been appearing before the Court at Chennai along with her father and as such, there is no need for transfer.

4. The proceedings initiated by the respondent is pending before the II Additional Family Court at Chennai. According to the petitioner, she is a resident of Coimbatore, and as such, it would not be possible for her to defend the proceedings properly, in case, the same is continued before the II Additional Family Court at Chennai.

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 factual matrix indicates that the petitioner is residing in Coimbatore along with her minor child. The petitioner, is therefore, justified in her contention that it would be in the interest of justice to transfer the proceedings from Chennai to Coimbatore. I am therefore of the view that the transfer petition deserves to be allowed.

7. The proceedings in H.M.O.P.No.2451 of 2016 is withdrawn from the file of II Additional Family Court, Chennai and is transferred to the file of Family Court, Coimbatore, for disposal on merits.

8. The learned counsel for the respondent submitted that the respondent earlier filed a petition to permit his father to represent him before the II Additional Family Court at Chennai. Since the respondent has come down to Chennai, the said application was later withdrawn. The learned counsel now seeks liberty to file a similar application before the Family Court at Coimbatore.

9. The respondent is permitted to file an application before the Principal Family Court at Coimbatore either to dispense with his personal appearance or to authorise his father to represent him. If any such application is filed, the same shall be considered and disposed of by the learned Trial Judge, taking into account the similar application filed before the II Additional Family Court at Chennai, and disposal of the application on account of the subsequent events.

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

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

svki

To

1.The II Additional Judge,
Family Court, Chennai.

2.The Principal Judge,
Family Court, Coimbatore.

+1cc to Mr.K.J.Parthasarathy, Advocate, S.R.No.67627

Transfer CMP No.474 of 2016

KS (CO)

<https://hcservices.ecourts.gov.in/hcservices/>
CA(20/12/2016)