

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

Tr.C.M.P.No.500 of 2016

and C.M.P.No.13596 of 2016

K.Kalaivani

... Petitioner

Versus

P.Selvakumar

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. praying to withdraw the case in H.M.O.P.No.84 of 2014 pending on the file of the Additional Sub Court, Kumbakonam and transfer the same to the Sub Court at Nagapattinam.

For Petitioner : Mr.R.Rajaramani

For Respondent : No appearance

ORDER

The respondent herein initiated proceedings in H.M.O.P.No.84 of 2014 on the file of the Additional Sub Court, Kumbakonam, praying for a decree of divorce. The petitioner, on receipt of notice from the trial Court, filed this petition for transfer.

2. Heard the learned counsel appearing for the petitioner.

3. None appears on behalf of the respondent in spite of printing his name in the cause list.

4. According to the petitioner, being the resident of Nagapattinam and maintaining her two-year-old child, it would not be possible for her to appear before the Sub Court, Kumbakonam for the purpose of defending the proceedings in H.M.O.P.No.84 of 2014.

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 produced sufficient materials justifying the request for transfer. There is nothing on record to suspect the bona fides in filing the transfer petition. I am therefore of the view that the Transfer Civil Miscellaneous Petition deserves to be allowed.

7. The proceedings in H.M.O.P.No.84 of 2014 is withdrawn from the file of Additional Sub Court, Kumbakonam and is transferred to the file of Sub Court, Nagapattinam.

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

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Sd/-

Assistant Registrar (CSII)

/TRUE COPY/

Sub-Assistant Registrar

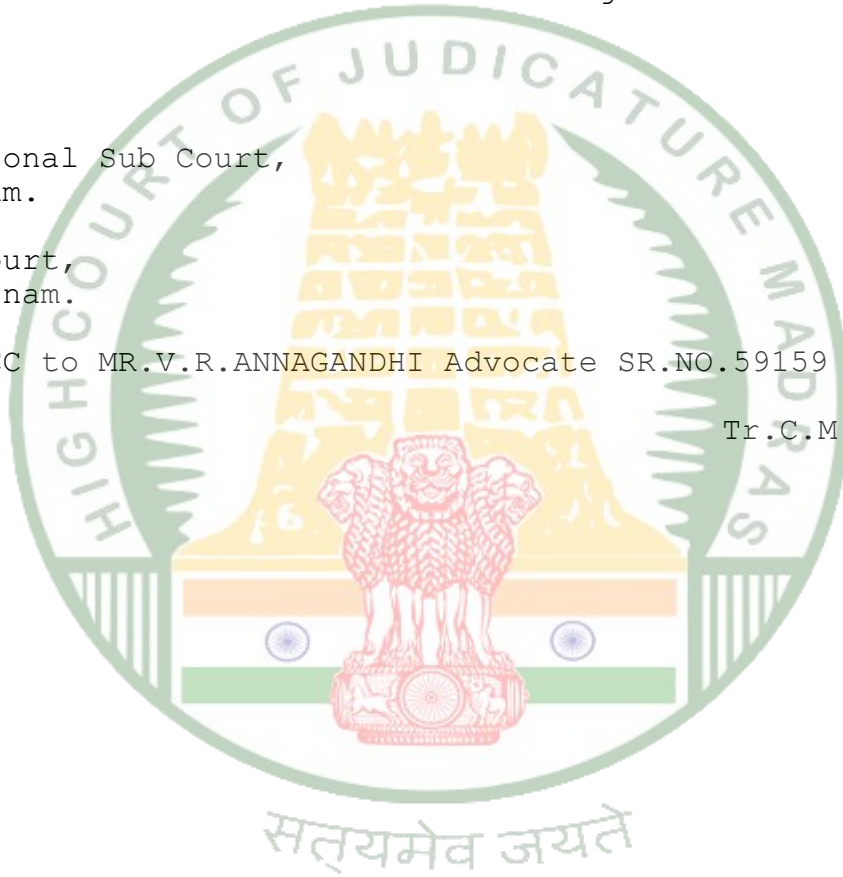
To

1. The Additional Sub Court,
Kumbakonam.
2. The Sub Court,
Nagapattinam.

+1CC to MR.V.R.ANNAGANDHI Advocate SR.NO.59159

Tr.C.M.P.No.500 of 2016

CP[CO]
MK:08/11/2016



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