

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.508 of 2016 and

CMP.No.13678 of 2016

Suguna

...Petitioner

versus

M.Surendran Mohan

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw and transfer the HMOP No.1735 of 2014 on the file of II Family Court at Chennai to Family Court at Erode or any other District Court at Erode District.

For Petitioner : Mr.K.Nagarajan  
For Respondent : No appearance

O R D E R

The respondent initiated proceedings in HMOP No.1735 of 2014 before the II Family Court, Chennai. The petitioner, who was arrayed as respondent has come up with this petition for transfer.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondent.

3. The petitioner is stated to be a resident of Erode. The proceedings in HMOP No.1735 of 2014 is pending on the file of II Family Court at Chennai. According to the petitioner, being a resident of Erode, it would not be possible for her to come over to Chennai for the purpose of defending the proceedings in HMOP No.1735 of 2014. There is nothing on record to suspect the bonafides in filing this transfer petition.

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 petitioner has produced sufficient materials to justify her request for transfer. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceedings in H.M.O.P.No.1735 of 2014 is withdrawn from the file of II Family Court, Chennai and is transferred to the file of Sub-Court, Erode, for disposal on merits.

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

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

svki

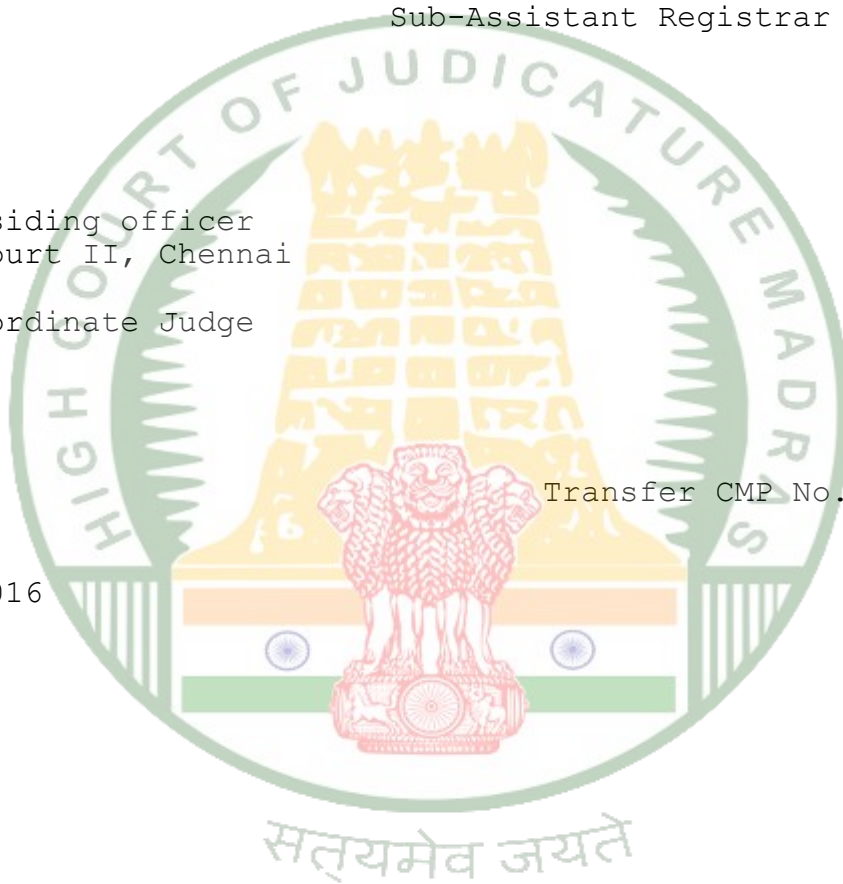
To

1.The Presiding officer  
Family Court II, Chennai

2.The Subordinate Judge  
Erode

Transfer CMP No.508 of 2016

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