

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2016

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP.No.513 of 2016

and CMP.No.13738 of 2016

E.Divya

... Petitioner

Vs

S.Sivakumar

... Respondent

Prayer: Transfer Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw the HMOP.No.342 of 2016 pending on the file of the Sub Court at Poonamallee and transfer the same to Family Court, Vellore.

For Petitioner : Mr.V.Sukumar

For Respondent : Mr.K.Balasubramaniam

ORDER

The respondent in HMOP.No.342 of 2016 on the file of the Sub Court at Poonamallee is the petitioner in this transfer petition.

2. Heard the learned counsel for the petitioner and the counsel appearing for the respondent.

3. The proceedings in HMOP.No.342 of 2016 was filed by the respondent before the Sub Court at Poonamallee. The petitioner is a permanent resident of Vellore.

4. According to the petitioner, it would be difficult for her to appear before the Court at Poonamallee for the purpose of defending the proceedings in HMOP.No.342 of 2016.

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 transfer. I am therefore of the view that the matter requires transfer.

7. In the result, the proceedings in HMOP.No.342 of 2016 is withdrawn from the file of Sub Court at Poonamallee and is transferred to the file of Family Court at Vellore for disposal

on merits.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To:

1.The Sub Court
Poonamallee.

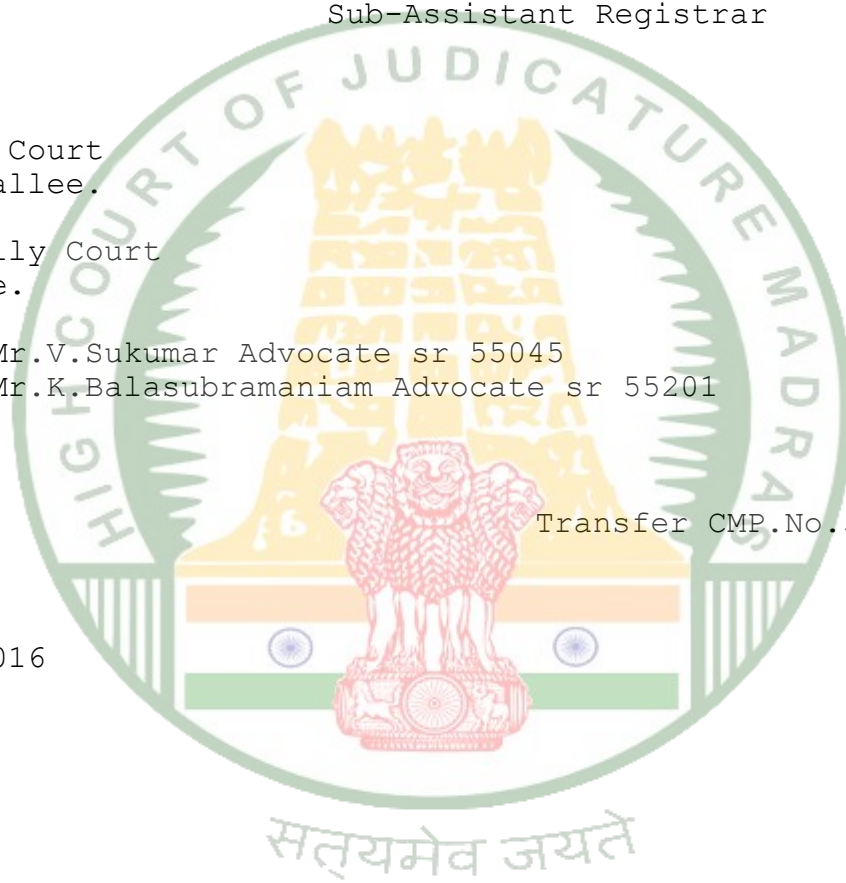
2.The Family Court
Vellore.

+1 cc to Mr.V.Sukumar Advocate sr 55045

+1 cc to Mr.K.Balasubramaniam Advocate sr 55201

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