

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.515 of 2016
and
CMP.No.13881 of 2016

Tamilselvi

... Petitioner

versus

S.Devarajan

.... Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the case in OP.No.2441 of 2016 pending on the file of Principal Family Court, Chennai and to transfer the same to Sub-Court, Uthamapalayam, Theni.

For Petitioner : Mr.P.Tamilavel

For Respondent : Mr.S.Marimuthu

O R D E R

The respondent in O.P.No.2441 of 2016 on the file of the Principal Family Court at Chennai is the petitioner in this transfer petition.

2. The respondent initiated proceedings in O.P.No.2441 of 2016 before the Principal Family Court, Chennai, praying for a decree of divorce. The petitioner, on receipt of notice from the Trial Court has come up with this petition for transfer.

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

4. The petitioner is stated to be a permanent resident of Uthamapalayam. According to the petitioner, even the respondent was earlier residing at Uthamapalayam. Subsequently, he got employment in TASMAL and is presently residing at Chennai in connection with employment. It is the grievance of the petitioner that it would not be possible for her to travel all along from Uthamapalayam to Chennai for the purpose of defending the proceedings in O.P.No.2441 of 2016.

5. The transfer petition is opposed by the respondent primarily on the ground that being a resident of Chennai and an employee of TASMAC, it would be difficult for him to travel about 600 kms to Uthamapalayam.

6. 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.

7. The petitioner has produced sufficient materials justifying her request for transfer of the proceedings from Chennai to Uthamapalayam. I am therefore of the view that the transfer petition deserves to be allowed.

8. The proceedings in O.P.No.2441 of 2016 is withdrawn from the file of Principal Judge, Family Court, Chennai and is transferred to the file of Sub-Court, Uthamapalayam for disposal on merits.

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

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

svki

To

1.The Principal Judge,
Family Court,
Chennai.

2.The Sub Judge,
Uthamapalayam,
Theni.

+1cc to Mr.P.Tamilavel, Advocate, S.R.No.60343

Transfer C.M.P.No.515 of 2016

AK(CO)
CA(29/11/2016)