

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2016

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP.No.517 of 2016
and CMP.Nos.13943 & 13960 of 2016

C.Subashini ... Petitioner

Vs

K.Mohanavel @ Suresh ... Respondent

Prayer: Transfer Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw and transfer the divorce petition in HMOP.NO.86/2016 pending on the file of the Family Court, Thiruvallur, Thiruvallur District to the file of Family Court, Vellore, Vellore District.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.T.Ravi

ORDER

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

2. The petitioner is the respondent in HMOP.No.86 of 2016 pending on the file of Family Court at Thiruvallur. The petitioner, who is a resident of Katpadi has come up with this transfer petition.

3. The proceedings in HMOP.No.86 of 2016 was instituted by the respondent. The respondent seeks a decree of divorce. The divorce petition was opposed by the petitioner.

4. The petitioner has filed HMOP.No.138 of 2016 before the Family Court at Vellore, praying for a decree of restitution of conjugal rights.

5. It is the case of the petitioner that she being a resident of Katpadi, it would be difficult for her to appear before the Family Court at Thiruvallur.

6. There is nothing on record to suspect the bonafides in filing the transfer petition.

7. 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.

8. The petitioner has produced sufficient materials indicating her difficulties in defending the proceedings before the Family Court at Thiruvallur. I am therefore of the view that the matter requires transfer.

9. The proceedings in HMOP.No.342 of 2016 is withdrawn from the file of Family Court at Thiruvallur and is transferred to the file of Family Court at Vellore for disposal along with HMOP.No.138 of 2016 on merits.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ds

To:

1.The Family Court,
Thiruvallur.

2.The Family Court,
Vellore.

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.55147
+1cc to Mr.T.Ravi, Advocate, S.R.No.55029

Transfer CMP.No.517 of 2016

ak(co)
pmk.22.10.2016