

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2016

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Tr.C.M.P. No.527 of 2016

and

C.M.P.No.14167 of 2016

Mrs.Sapthika Angeline
Jenifer

... Petitioner/Respondent

vs.

Pratheep

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. praying to withdraw the Divorce Petition filed in IDOP No.183/2016 pending before the Principal District Court, Thiruvallur and transfer the same to I Additional Family Court at Chennai.

For Petitioner : Mr.J.C.Durairaj

For Respondent : Mr.A.K.Sriram
for M/s.A.S.Kailasam &
Associates.

O R D E R

The respondent initiated matrimonial proceedings in IDOP No.183 of 2016 before the Principal District Court at Thiruvallur. The petitioner is before this Court with a request to transfer the proceedings from the Principal District Court at Thiruvallur to the file of First Additional Family Court at Chennai.

2. The learned counsel for the respondent fairly submitted that the respondent has no objection in transferring the proceedings to the file of First Additional Family Court at Chennai.

3. The respondent filed the Divorce Petition in HMOP No.183 of 2016 before the Principal District Court at Thiruvallur. According to the petitioner, it would not be possible for her to defend the proceedings if the case is continued before the Principal District Court at Thiruvallur.

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. In view of the reasons found mentioned in the affidavit filed in support of the Transfer Petition, and taking into account the consent given by the respondent, the original petition in IDOP No.183 of 2016 is withdrawn from the file of the Principal District Court at Thiruvallur and is transferred to the file of the First Additional Family Court at Chennai.

6. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

asvm

To

- 1.The Principal District Judge,
Thiruvallur.
- 2.The Judge,
First Additional Family Court,
Chennai.

+1cc to M/S.A.S.Kailasam & Association, Advocate Sr.67348

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