

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.529 of 2016 and
CMP.No.14174 of 2016

K.Muthulakshmi ...Petitioner/Respondent

versus

K.Kannan ..Respondent/ Petitioner

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw FCOP No.201 of 2016 on the file of Family Court, Salem and transfer the case to the Principal Family Court, Trichy.

For Petitioner : Mr.J.Raja Kalifulla, Senior Counsel
for Mr.J.Jayendra Krishnan
For Respondent : No appearance

O R D E R

The petitioner filed this transfer petition with a prayer to withdraw the proceedings from Family Court, Salem and transfer the same to Family Court, Trichy.

2. The matrimonial proceedings in FCOP No.201 of 2016 was instituted by the respondent before the Family Court, Salem, praying for a decree of divorce. The petitioner on receipt of notice filed this petition for transfer.

3. Heard the learned Senior Counsel for the petitioner. None appears for the respondent, in spite of printing his the name in the cause list.

4. The petitioner is a permanent resident of Trichy. The divorce proceedings is now pending before the Family Court at Salem. According to the petitioner, it would not be possible for her to appear before the Court at Salem for the purpose of defending the proceedings in FCOP No.201 of 2016. There is nothing on record to disbelieve the case pleaded by the petitioner.

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

7. The proceedings in F.C.O.P.No.201 of 2016 is withdrawn from the file of Family Court, Salem and is transferred to the file of Principal Family Court, Trichy for disposal on merits.

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

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

- 1.The Family Judge, Salem
- 2.The Principal Family Judge, Trichy.

+1 cc to Mr.J.jayendra Krishnan,advocate,sr.57466.

rv(co)
krd 11/11

Transfer CMP No.529 of 2016

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