

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2016

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP.No.530 of 2016

and CMP.No.13738 of 2016

B.Arthi ... Petitioner/Respondent

Vs

R.Senthil Murugan Respondent/Petitioner

Prayer: Transfer Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw the HMOP.No.714 of 2016 on the file of the Additional Family Court, Coimbatore and transfer the same before the Family Court, Trichy.

For Petitioner : Mr.V.Thillaisamy

For Respondent : Mr.I.Abrar Mohamed Abdullah

ORDER

The respondent initiated proceedings in HMOP.No.714 of 2016 against the petitioner praying for a decree of divorce.

2. The petitioner has come up with this transfer petition to transfer the proceedings in HMOP.No.714 of 2016 pending on the file of Additional Family Court at Coimbatore to a Court at Trichy.

3. The learned counsel for the petitioner submitted that the petitioner is a permanent resident of Trichy and as such it would not be possible for her to defend the proceedings pending before the Additional Family Court at Coimbatore.

4. The learned counsel for the respondent on the other hand submitted that subsequent to the initiation of the transfer petition, the respondent was transferred to Tirunelveli, where he is presently working. According to the learned counsel, liberty should be given to the respondent to dispense with his personal appearance before the trial Court.

5. The petitioner is a permanent resident of Trichy. The proceedings initiated by the respondent is pending before the Additional Family Court at Coimbatore.

6. According to the petitioner, it would not be possible for her to travel all along from Trichy to Coimbatore for the purpose of defending the proceedings in HMOP.No.714 of 2016.

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 is employed at Trichy. The respondent is employed at Tirunelveli. The proceeding is pending before the Additional Family Court at Coimbatore. It would not be in the interest of both the parties to continue the proceedings before the Additional Family Court at Coimbatore. I am therefore of the view that the matter requires transfer.

9. The proceedings in HMOP.No.714 of 2016 is withdrawn from the file of Additional Family Court at Coimbatore and is transferred to the Family Court at Trichy for disposal on merits.

10. In view of the difficulties expressed by the respondent through his counsel, liberty is given to the respondent to file appropriate application before the trial Court to dispense with his presence on the normal days of hearing subject to the condition that he would appear on all the effective dates of hearing. If any such application is filed, the learned trial Judge shall consider the same taking into account the employment of the respondent at Tirunelveli.

The transfer petition is allowed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst. Registrar.

/true copy/

Sub Asst. Registrar.

ds

To:

1.The Additional Family Court
Coimbatore.

2.The Family Court
Trichy.

+1 CC to Mr. I. Abrar MD Abdullah, Advocate Sr.n0.56328

Transfer CMP.No.530 of 2016

SR (CO)
MD : 22/10/2016



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