

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.542 of 2016
and
CMP.No.14523 of 2016

Hemalatha

... Petitioner

versus

Gunasekaran

.... Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw HMOP No.58 of 2015 on the file of Sub-Court, Uthangarai and transfer the same to the file of Sub-Court, Tiruvannamalai.

For Petitioner : Mr.C.Mahendran

For Respondent : No appearance

O R D E R

The respondent initiated proceedings in HMOP No.58 of 2015 before the Sub-Court, Uthangarai, praying for a decree of divorce. The petitioner, who was shown as the respondent in the said original proceedings has come up with this petition for transfer.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondent in spite of printing his name in the cause list after service.

3. The petitioner is a resident of Gingee Town in the district of Villupuram. She is staying along with her minor child. According to the petitioner, it would not be possible for her to appear before the Subordinate Court at Uthangarai for the purpose of defending the proceedings in HMOP No.58 of 2015. There is nothing on record to suspect the bonafides in filing this transfer petition.

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. The petitioner has produced sufficient materials to justify her request for transfer. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceedings in H.M.O.P.No.58 of 2015 is withdrawn from the file of Subordinate Court, Uthangarai and is transferred to the file of Sub-Court, Tiruvannamalai, for disposal on merits.

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

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

svki

To

1.The Subordinate Judge,
Uthangarai.

2.The Subordinate Judge,
Tiruvannamalai.

+lcc to Mr.C.Mahendran, Advocate, S.R.No.61201

Transfer CMP No.542 of 2016

RJ(CO)
CA(28/11/2016)

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