

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.544 of 2016 and

CMP.No.14815 of 2016

V.Anusya Mary ...Petitioner/Petitioner

versus

D.Vijayanand ...Respondent/Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw IDOP No.81 of 2016 on the file of Principal District Court, Thanjavur and transfer and try the same before the Family Court, Karaikal.

For Petitioner : Mr.P.Parthiban

For Respondent : No appearance

O R D E R

The respondent initiated proceedings in IDOP No.81 of 2016 before the Principal District Court at Thanjavur praying for a decree of divorce. The petitioner on receipt of notice filed this petition for transfer.

2. Heard the learned Counsel for the petitioner. None appears for the respondent, inspite of printing his name in the cause list after service.

3. The petitioner is a resident of Karaikal. The divorce proceedings is now pending before the Principal District Court at Thanjavur. According to the petitioner, it would not be possible for her to appear before the Court at Thanjavur for the purpose of defending the proceedings in IDOP No.81 of 2016. There is nothing on record to disbelieve the case pleaded by the petitioner.

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 demonstrate that it would not be possible for her to appear before the Principal District Court at Thanjavur. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceedings in I.D.O.P.No.81 of 2016 is withdrawn from the file of Principal District Court, Thanjavur and is transferred to the file of Family Court, Karaikal, for disposal on merits.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

/True copy/

Sub Assistant Registrar

To

- 1.The Principal District Court, Thanjavur
- 2.The Judge, Family Court, Karaikal

+1cc to M/s.P.Parthiban, Advocate, SR.No.58016

Transfer CMP No.544 of 2016

SDR 12.11.2016

सत्यमेव जयते

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