

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.547 of 2016 and

CMP.No.14950 of 2016

Sonia Ravi

...Petitioner

versus

B.Ravikumar

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the case in O.P.No.45 of 2016 on the file of the Sub-Court, Nilgiris, Udhagamandalam and transfer the same to the Additional Family Court at Coimbatore in which already M.C.No.114 of 2016 is pending.

For Petitioner : Mr.C.S.Saravanan
For Respondent : No appearance

O R D E R

The respondent instituted proceedings in O.P.No.45 of 2016 before the Sub-Court, Nilgiris, praying for a decree under Section 9 of the Hindu Marriage Act. The petitioner, who was arrayed as respondent in the said original petition has come up with this transfer petition.

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 stated to be a permanent resident of Coimbatore. According to the petitioner, she is residing at Coimbatore along with her two minor children. It is the grievance of the petitioner that it would be very difficult for her to appear before the Sub-Court at Nilgiris for the purpose

of defending the proceedings in O.P.No.45 of 2016. There is nothing on record to disbelieve the case pleaded by the petitioner.

4. There is yet another proceeding now pending on the file of Additional Family Court, Coimbatore in M.C.No.114 of 2016. It was filed by the petitioner. The respondent was arrayed as the respondent in the said maintenance case. The respondent has to appear before the Additional Family Court at Coimbatore for the purpose of defending the proceedings in M.C.No.114 of 2016.

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 her request for transfer. I am therefore of the view that the transfer petition deserves to be allowed.

7. The proceedings in O.P.No.45 of 2016 is withdrawn from the file of Sub-Court, Nilgiris and is transferred to the file of Additional Family Court, Coimbatore for disposal along with M.C.No.114 of 2016.

8. 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
The Sub Judge, Nilgiris Udthagamandalam
2 The Presiding Officer, Additional Family Court, Coimbatore

+1cc to Mr.C.S. Saravanan, Advocate, S.R.No.60436

rk(CO)
md(23/11/2016)

Transfer CMP No.547 of 2016