

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.549 of 2016 and

CMP.No.15007 of 2016

V.Gayathri

...Petitioner

versus

V.Booshan Prakash

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw HMOP No.26 of 2016, from the file of the Sub Judge, Tiruthani, Thiruvallur Court and transfer the same to the file of Sub Court, Cheyyar, Thiruvannamalai District.

For Petitioner : Mr. G.Saravanan

For Respondent : No appearance

O R D E R

The respondent initiated proceedings in HMOP No.26 of 2016 before the Subordinate Court, Tiruthani, The petitioner, who was arrayed as respondent in the said proceeding has come up with this petition for transfer.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondent.

3. The matrimonial proceeding in HMOP No.26 of 2016 is now pending on the file of the Subordinate Court at Tiruthani. The petitioner is stated to be a resident of Cheyyar. According to the petitioner, it would not be possible for her to travel from Cheyyar to Tiruthani for the purpose of defending the pending proceedings. 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 justifying her request for transfer. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceeding in HMOP No.26 of 2016 is withdrawn from the file of Subordinate Court at Tiruthani and is transferred to

the file of Subordinate Court at Cheyyar, Tiruvannamalai District for disposal on merits.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ajr

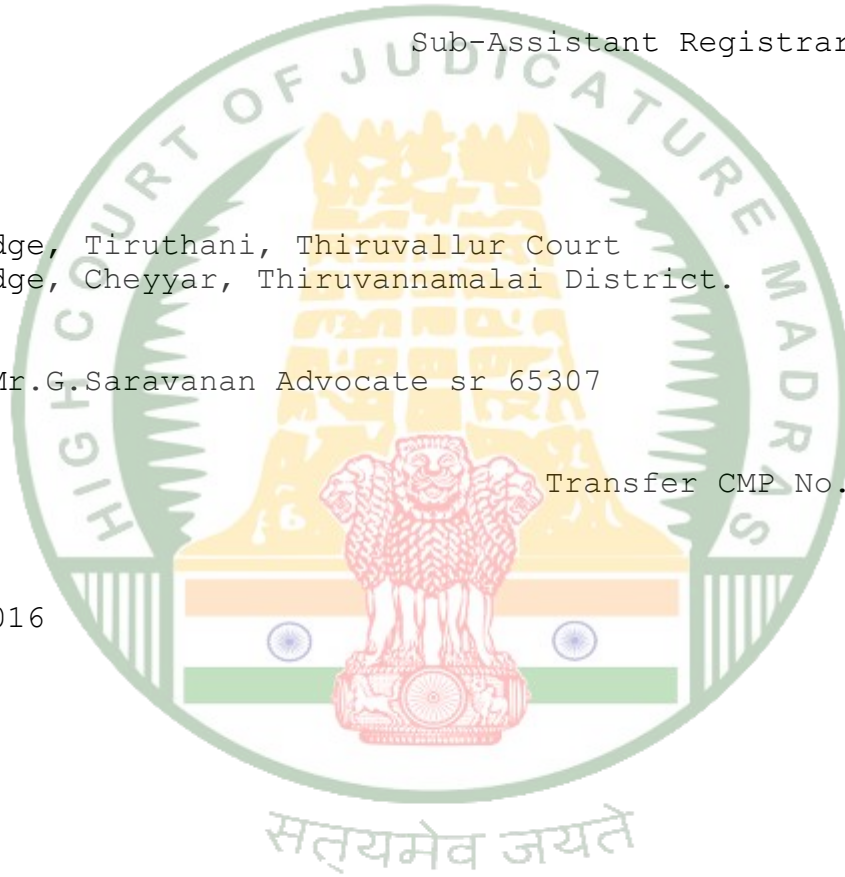
To

1. Sub Judge, Tiruthani, Thiruvallur Court
2. Sub Judge, Cheyyar, Thiruvannamalai District.

+1 cc to Mr.G.Saravanan Advocate sr 65307

Transfer CMP No.549 of 2016

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