

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.559 of 2016 and
CMP.No.15260 of 2016

J.Bhuvaneswari

...Petitioner/Respondent

versus

S.Jayaraman

...Respondent/Petitioner

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw OP.No.151 of 2015 on the file of Sub-Court, Kancheepuram and transfer the same to the Family Court, Chennai.

For Petitioner : Mr.P.Rajkumar Pandian
For Respondent : No appearance

O R D E R

The respondent in HMOP No.151 of 2015 on the file of Sub-Court, Kancheepuram is the petitioner in this transfer petition.

2. The respondent initiated proceedings before the Sub-Court at Kancheepuram, praying for a decree of divorce. The petitioner is a permanent resident of Chennai. She is maintaining the two minor children born to the parties. According to the petitioner, it would be difficult for her to defend the proceedings, which is now pending on the file of Sub-Court at Kancheepuram. There is nothing on record to disbelieve the case pleaded by the petitioner.

3. 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.

4. The petitioner has given sufficient materials justifying transfer of the proceedings. I am therefore of the view that the transfer petition deserves to be allowed.

5. The proceedings in H.M.O.P.No.151 of 2015 is withdrawn from the file of Sub-Court, Kancheepuram and is transferred to the file of Family Court, Chennai, for disposal on merits.

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

Sd/-
Assistant Registrar

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Sub Assistant Registrar

svki

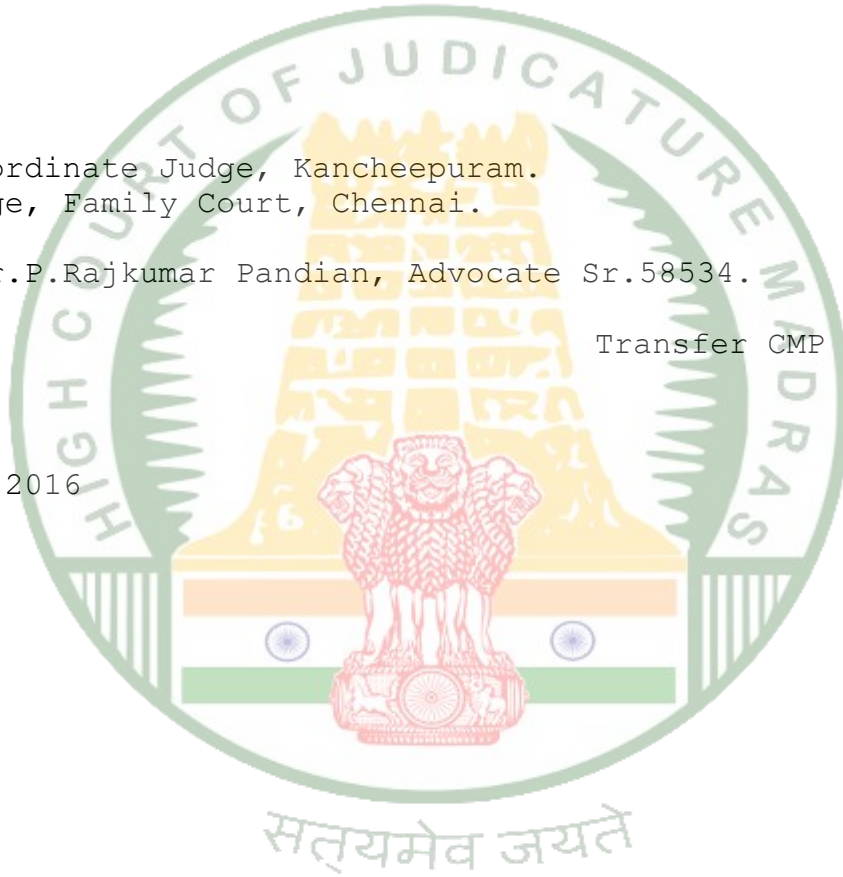
To

- 1.The Subordinate Judge, Kancheepuram.
- 2.The Judge, Family Court, Chennai.

1 cc to Mr.P.Rajkumar Pandian, Advocate Sr.58534.

Transfer CMP No.559 of 2016

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