

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.560 of 2016
and
CMP.No.15262 of 2016

T.Vijayabhanu

... Petitioner

Versus

K.N.Selvinraj

.... Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw and transfer HMOP No.43 of 2016 from the file of Family Court, Srivilliputhur to the file of Family Court, Chennai.

For Petitioner : Mr.J.Saravana Vel

For Respondent : Mr.E.D.Sethupathi

O R D E R

The respondent initiated proceedings in HMOP No.43 of 2016 before the Family Court at Srivilliputhur, invoking Section 9 of the Hindu Marriage Act. The petitioner, who is a resident of Chennai has come up with this petition for transfer.

2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

3. The proceedings in HMOP No.43 of 2016 is pending on the file of Family Court at Srivilliputhur. According to the petitioner, being a resident of Chennai, it would not be possible for her to defend the proceedings effectively, in case, the same is taken up by the Family Court at Srivilliputhur. 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 The proceedings in H.M.O.P.No.43 of 2016 is withdrawn from the file of Family Court, Srivilliputhur and is transferred to the file of Family Court, Chennai, for disposal on merits.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 VI)

//True Copy//

Sub Assistant Registrar

svki

To

1.The Family Court,
Srivilliputhur.

2.The Family Court,
Chennai.

+lcc to Mr.J.Saravana Vel, Advocate, S.R.No.62575

+lcc to Mr.E.D.Sethupathi, Advocate, S.R.No.62429

सत्यमेव जयते

Transfer CMP No.560 of 2016

RSK(CO)

CA(29/11/2016)

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