

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.568 of 2016 and

CMP.No.15401 of 2016

G.K.Sandhia

...Petitioner

versus

G.Dhanasekaran

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw the petition in HMOP No.80 of 2016 on the file of Principal Sub-Court, Thiruvannamalai and transfer the same to the file of Family Court, Chennai.

For Petitioner : Mr.Thriyambak J Kannan

For Respondent : No appearance

O R D E R

The respondent initiated proceedings in HMOP No.80 of 2016 before the Principal Sub-Court at Tiruvannamalai, praying for a decree of divorce. The petitioner, on appearance before the Trial Court filed this petition for transfer.

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 proceedings initiated by the respondent for divorce is pending before the Principal Sub-Court at Tiruvannamalai. The petitioner is a resident of Tambaram, Chennai. According to the petitioner, it would not be possible for her to defend the proceedings in HMOP No.80 of 2016 in case, the same is continued before the Principal Sub-Court at Tiruvannamalai.

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. There is nothing on record to suspect the bonafides in filing this transfer petition. I am therefore of the view that the petitioner has made out a case for transfer.

6. The proceedings in H.M.O.P.No.80 of 2016 is withdrawn from the file of Principal Sub-Court, Tiruvannamalai and is transferred to the file of Family Court, Chennai, for disposal on merits.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/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

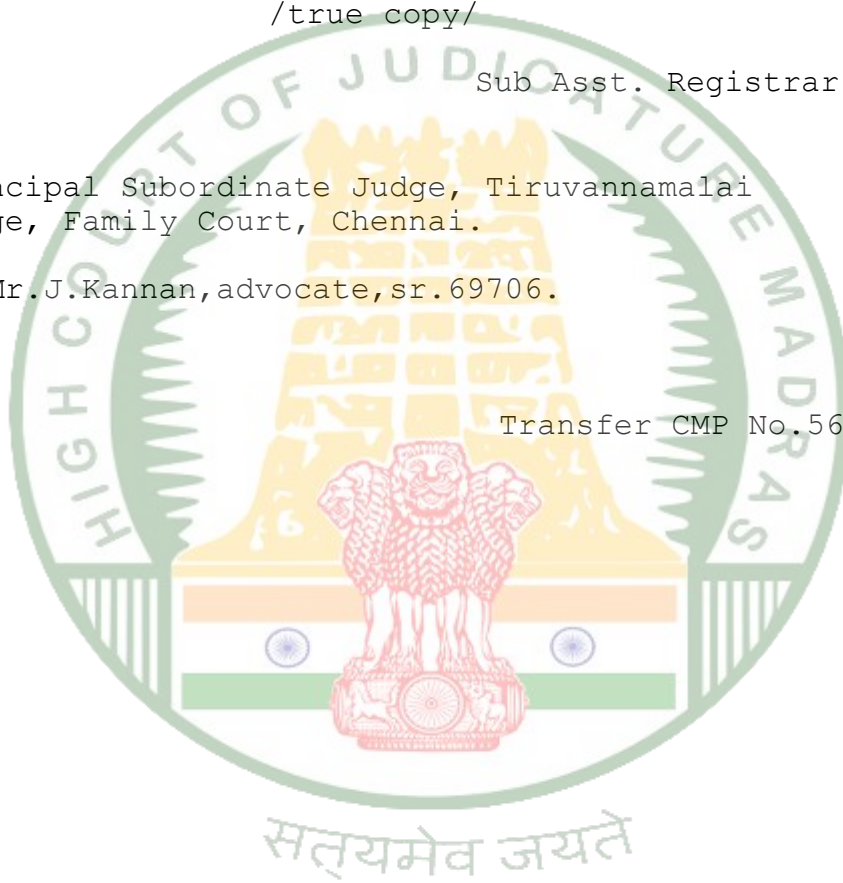
To

- 1.The Principal Subordinate Judge, Tiruvannamalai
- 2.The Judge, Family Court, Chennai.

+1 cc to Mr.J.Kannan,advocate,sr.69706.

vgi(co)
krd 26/12

Transfer CMP No.568 of 2016



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