

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.11.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

Transfer CMP No.569 of 2016 and
CMP.No.15412 of 2016

Bharathi

...Petitioner

versus

Pugazhendhi

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw FCOP No.102 of 2016 on the file of Family Court, Chengalpattu and transfer it to the file of Principal Sub-Court, Cuddalore.

For Petitioner : Mr.R.Md.Nasarullah

For Respondent : No appearance

ORDER

The respondent filed FCOP No.102 of 2016 before the Family Court at Chengalpattu, praying for a decree of divorce. The petitioner, on receipt of notice from 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 petitioner is a resident of Cuddalore. The proceedings initiated by the respondent is pending before the Family Court at Chengalpattu. According to the petitioner, it would not be possible for her to appear before the Family Court at Chengalpattu regularly, as she is residing far away from the location of the Trial Court. 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 The proceedings in F.C.O.P.No.102 of 2016 is withdrawn from the file of Family Court, Chengalpattu and is transferred to the file of Principal Sub-Court, Cuddalore, for disposal on merits.

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

25.11.2016

Index:Yes/No
svki

To

- 1.The Family Court, Chengalpattu
- 2.The Principal Sub-Court, Cuddalore

K.K.SASIDHARAN,J.

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