

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

Tr.C.M.P.No.574 of 2016
and C.M.P.No.15658 of 2016

E.Alice Juliana

... Petitioner

Versus

E.T.B.Samuel Jigme Harrison

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. praying to withdraw O.P.No.2196 of 2016 on the file of the Principal Judge, Family Court, Chennai and transfer the same to the Family Court, Salem.

For Petitioner : Mr.S.Manohar

For Respondent : M/s.Sheela Jayaprakash

ORDER

The respondent initiated proceedings in O.P.No.2196 of 2016 before the learned Principal Judge, Family Court, Chennai.

2. The petitioner, who was arrayed as respondent in the Original Proceedings, has come up with this petition for Transfer.

3. The learned counsel for the respondent submitted that the respondent is not admitting any of the allegations made in the affidavit filed in support of the Transfer Petition. According to the learned counsel, the respondent has no objection in taking up the matter on merits and without reference to the contentions raised in the Transfer Petition.

4. The proceedings in O.P.No.2196 of 2016 is now pending before the learned Principal Judge, Family Court, Chennai. The petitioner is a resident of Salem. She is maintaining her minor child, who is aged about 1 ½ year. The petitioner is therefore perfectly correct in her contention that it would not be possible for her to travel from Salem to Chennai, for defending the proceedings in O.P.No.2196 of 2016.

5. 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.

6. The petitioner has given sufficient reasons justifying the request for transfer. I am therefore of the view that the Transfer Civil Miscellaneous Petition deserves to be allowed.

7. The proceedings in O.P.No.2196 of 2016 is withdrawn from the file of learned Principal Judge, Family Court, Chennai and is transferred to the file of Family Court, Salem.

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

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

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To

1. The Principal Judge
Family Court,
Chennai.
2. The Principal Judge,
Family Court,
Salem.

1 cc to M/s. Elaveera Ravindran, Advocate sr. 60405
1 cc to M/s. Sheela Jayaprakash, Advocate, Sr. 60282

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