

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.578 of 2016 and

CMP.No.16183 of 2016

R.Pradeba

...Petitioner

versus

P.B.Saravanan

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw HMOP No.3564 of 2015 from the file of 1st Additional Family Court, Chennai and to transfer the same to the file of Family Court, Puducherry.

For Petitioner : Mr.K.Sasindran
For Respondent : Mr.A.K.Kumarasamy for
M/s.B.Jawahar

O R D E R

The respondent initiated proceedings in HMOP.No.3564 of 2015 before the First Additional Family Court at Chennai, praying for a decree of divorce. The petitioner, on receipt of summons from the Trial Court filed 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.3564 of 2015 is pending on the file of I Additional Family Court at Chennai. The petitioner is a permanent resident of Puducherry. According to the petitioner, it would be very difficult for her to appear before the I Additional Family Court at Chennai for the purpose of defending the proceedings in HMOP No.3564 of 2015.

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 to justify 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 The proceedings in H.M.O.P.No.3564 of 2015 is withdrawn from the file of I Additional Family Court, Chennai, and is

transferred to the file of Family Court, Puducherry, for disposal on merits.

7. The learned counsel for the respondent submitted that the respondent is employed at Chennai and as such, it would be difficult for him to appear before the Family Court at Puducherry regularly. The respondent is given liberty to file appropriate application before the Trial Court to dispense with his personal appearance on the normal dates of hearing, subject to the condition that he would appear on all the effective dates of hearing and would cooperate for an early disposal of the matrimonial proceedings. In case, any such application is filed, the same shall be considered by the learned Trial Judge taking into account the residence of the respondent as well as his employment at Chennai.

8. The learned counsel for the respondent further submitted that there is a possibility of settlement. The learned Judge, Family Court at Puducherry, is directed to refer the matter to the mediation before taking up the matter for disposal of merits. There shall be a further direction to dispose of the matrimonial proceedings, as expeditiously as possible and in any case, within a period of six months from the date of receipt of a copy of this order.

9. The Transfer Civil Miscellaneous Petition is allowed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The I Additional Family Judge, Chennai

2.The Family Court, Judge Puduchery

+1 cc to Mr.K.Sasindran Advocate sr 61354

+1 cc to Mr.B.Jawahar Advocate sr 62031

Transfer CMP No.578 of 2016

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