

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.583 of 2016 and
CMP.No.15879 of 2016

T.Punithaselvi ...Petitioner

versus

M.Selvaraj ...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw and transfer IDOP No.15 of 2016 on the file of Principal District Judge, Thanjavur to Family Court at Chennai.

For Petitioner : Mr.R.Balaguruswamy

For Respondent : No appearance

O R D E R

The respondent initiated proceedings in IDOP No.15 of 2016 before the Principal District Court, Thanjavur, praying for a decree of divorce. The petitioner after entering 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 the name of the counsel in the cause list.

3. The petitioner is a resident of Chennai. The proceedings initiated by the respondent is pending before the Principal District Court at Thanjavur. According to the petitioner, it would not possible for her to appear before the Principal District Court at Thanjavur for the purpose of defending the proceedings in IDOP No.15 of 2016. 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.

7. The proceedings in I.D.O.P.No.15 of 2016 is withdrawn from the file of Principal District Court, Thanjavur and is transferred to the file of Family Court, Chennai, for disposal on merits.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

svki

To

1.The Judge,
The Principal District Court,
Thanjavur.

2.The Judge,
The Family Court, Chennai.

+1cc to Mr.R.Balaguruswamy, Advocate SR.66065

Transfer CMP No.583 of 2016

vgi[co]
srg 10/12/2016

WEB COPY