

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2016

CORAM:

THE HONOURABLE Mr.JUSTICE K.K.SASIDHARAN

Transfer CMP No.592 of 2016

and

CMP.No.16240 of 2016

Manoranjitham

...Petitioner

versus

Vijayakumar

...Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.93 of 2016 from the file of Sub Court, Palani, and transfer the same to the file of the Sub Court, Perundurai.

For Petitioner : M/s.R.Poornima

For Respondent : No appearance

ORDER

The respondent in H.M.O.P.No.93 of 2016, on the file of Subordinate Court, Palani, is the petitioner in this Transfer Petition.

2. The petitioner has come with this Transfer Petition for transfer of the proceedings initiated by the respondent against her, in H.M.O.P.No.93 of 2016 before the Subordinate Court, Palani.

3. Heard the learned counsel appearing on behalf of the petitioner. None appears on behalf of the respondent, inspite of printing his name after service.

4. The petitioner is a resident of Erode. The proceedings initiated by the respondent in H.M.O.P.No.93 of 2016, is pending on the file of the Subordinate Court, Palani. According to the petitioner, she is residing at Erode along with minor child, and there is nobody to look after her. It is the grievance of the petitioner that, it would not be possible for her to travel from Erode to Palani, for defending the

proceedings in H.M.O.P.No.93 of 2016. There is nothing on record to disbelieve the version given by the petitioner in this Transfer Petition.

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 produced sufficient materials warranting transfer of the proceedings. I am therefore of the view that the Transfer Petition deserves to be allowed.

7. The proceedings in H.M.O.P.No.93 of 2016 is withdrawn from the file of the Subordinate Court, Palani, and is transferred to the file of the Subordinate Court, Perundurai, for disposal on merits.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

//True Copy//

Sub Assistant Registrar

sd

To

- 1.The Subordinate Judge, Palani.
2. The Subordinate Judge, Perundurai.

+1cc to Mr.R. Poornima, Advocate, S.R.No.63625

cnr (CO)
md(05/12/2016)

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