

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.593 of 2016 and

CMP.No.16241 of 2016

MRS.C.Alagu Rani

...Petitioner

versus

B.Loganathan

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.3953 of 2014 pending before the III Additional Family Court at Chennai and transfer the same to the Sub-Court, Kallakurichi, Villupuram District.

For Petitioner : Mr.K.S.Kumar

For Respondent : Mr.V.Balaji

O R D E R

The respondent initiated proceedings in HMOP No.3953 of 2014 before the III Additional Family Court at Chennai, praying for a decree of divorce. The petitioner, who is a resident of Earvaipattinam Village in the district of Villupuram is before this Court with 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 initiated by the respondent for divorce is pending before the III Additional Family Court at Chennai. According to the petitioner, being a resident of Earvaipattinam Village, it would not be possible for her to travel to Chennai for the purpose of defending the proceedings before the III Additional Family Court at Chennai. 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 respondent, in his counter affidavit contended that it was only to harass him, the petitioner has filed this petition for transfer.

6. The petitioner is residing at Earvaipattinam Village along with her minor daughter aged about 4 years. The petitioner is therefore perfectly correct in her contention that it would not be possible for her to travel from Earvaipattinam Village to Chennai along with her minor child for the purpose of defending the proceedings initiated by the respondent. I am therefore of the view that the transfer petition deserves to be allowed.

7. The proceedings in H.M.O.P.No.3953 of 2014 is withdrawn from the file of III Additional Family Court, Chennai and is transferred to the file of Sub-Court, Kallakurichi, Villupuram District, for disposal on merits.

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

svki

Sd/-
Assistant Registrar (CS-)

/TRUE COPY/

Sub-Assistant Registrar

To

1.The Judge,
The III Additional Family Court, Chennai

2.The Subordinate Judge, Kallakurichi,
Villupuram.

+1 CC Mr.V.Balaji Advocate SR.No.69104

+1 CC Mr.K.S.Kumar Advocate SR.No.68323

Transfer CMP No.593 of 2016

VD [CO]

MSI 27/12/2016