

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.11.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

Transfer CMP No.597 of 2016 and
CMP.No.16283 of 2016

N.Radha

...Petitioner

versus

S.Venkatachalam

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw the proceedings pending in HMOP No.1492 of 2015 from the file of Additional Family Court, Coimbatore and transfer the same to any other competent Court at Karur District.

For Petitioner : Mr.E.K.Kumaresan

For Respondent : Mr.L.Mouli

ORDER

The respondent in HMOP No.1492 of 2015 on the file of Additional Family Court, Coimbatore is the petitioner in this transfer petition.

2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

3. The matrimonial proceedings initiated by the respondent for divorce is pending before the Additional Family Court at Coimbatore. The petitioner is a resident of Gandhigramam in the district of Karur. According to the petitioner, it would be very difficult for her to travel all along from Karur to Coimbatore for the purpose of defending the proceedings in HMOP No.1492 of 2015. The petitioner is maintaining the minor child, aged about 4 years, born to the parties. Moreover, the petitioner is working at Karur and as such, it would be difficult for her to appear before the Court at Coimbatore regularly.

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. In view of the reasons found mentioned in the affidavit filed in support of the transfer petition, the petitioner has made out a case for transfer.

6. The proceedings in H.M.O.P.No.1492 of 2015 is withdrawn from the file of Additional Family Court, Coimbatore and is transferred to the file of Sub-Court, Karur, for disposal on merits.

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

23.11.2016

Index:Yes/No
svki

To

- 1.The Additional Family Court, Coimbatore
- 2.The Sub-Court, Karur

K.K.SASIDHARAN,J.

(svki)

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