

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.598 of 2016 and
CMP.No.16294 of 2016

D.Anushiya

...Petitioner

versus

S.Shankar

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw and transfer the case pending on the file of Sub-Court, Ponneri in HMOP No.191 of 2015 on the file of Family Court, Chennai.

For Petitioner : Ms.S.Deepika

For Respondent : No appearance

O R D E R

The respondent initiated proceedings in HMOP No.191 of 2015 before the Sub-Court at Ponneri, praying for a decree of divorce. The petitioner is before this Court with a request to transfer the proceedings from Ponneri to Chennai.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondent.

3. The matrimonial proceedings initiated by the respondent in HMOP No.191 of 2015 is pending before the Sub-Court at Ponneri. The petitioner is a resident of Nanganallur, Chennai. According to the petitioner, she is working as an Engineer at Nandanam. In view of the distance factor, it would be very difficult for her to travel from Chennai to Ponneri for the purpose of defending the proceedings in HMOP No.191 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 given sufficient materials justifying 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 The proceedings in H.M.O.P.No.191 of 2015 is withdrawn from the file of Sub-Court, Ponneri and is transferred to the file of Family Court, Chennai, for disposal on merits.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Sub-Court,
Ponneri.

2.The Family Court,
Chennai.

+lcc to M/S.S.Deepiha, Advocate Sr.68172

सत्यमेव जयते

Transfer CMP No.598 of 2016

ppa[co]
srg 26/12/2016

WEB COPY