

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **29.11.2016**

CORAM:

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

Transfer CMP No.601 of 2016 and
CMP.No.16338 of 2016

D.Kalaivani

...Petitioner

versus

B.Venkateswaran

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw and transfer the petition in HMOP No.33 of 2016 on the file of Subordinate Court, Tiruttani to the Subordinate Court, Kancheepuram.

For Petitioner : Mr.V.Raghavachari

For Respondent : Mr.P.Chandrasekar

ORDER

The respondent initiated proceedings in HMOP No.33 of 2016 before the Sub-Court at Tiruttani, praying for a decree of divorce. The petitioner, who is the resident of Chinna Kanchipuram in the district of Kanchipuram has come up with this petition for transfer.

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

3. The transfer is opposed by the respondent primarily on the ground that the petitioner is from a politically influential family and as such, it would be difficult for him to conduct the proceedings, in case, the matter is transferred to a Court at Kanchipuram.

4. The petitioner is a resident of Chinna Kanchipuram in the district of Kanchipuram. The petitioner is residing there along with her two minor children, aged about 4 and 2 years. There is nothing on record to show that the respondent has been maintaining the children. The petitioner is therefore perfectly correct in her contention that it would be difficult for her to contest the proceedings, in case, the same is continued before the Sub-Court at Tiruttani.

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. There is nothing on record to suspect the bonafides in filing this transfer petition. I am therefore of the view that the petitioner has made out a case for transfer.

7. The proceedings in H.M.O.P.No.33 of 2016 is withdrawn from the file of Sub-Court, Tiruttani and is transferred to the file of Sub-Court, Kancheepuram, for disposal on merits.

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

29.11.2016

Index:Yes/No
svki

To

1.The Sub-Court, Tiruttani

2.The Sub-Court, Kancheepuram

K.K.SASIDHARAN,J.

(svki)

Transfer CMP No.601 of 2016

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