

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2016

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Tr.C.M.P. No.612 of 2016
and
C.M.P.No.16482 of 2016

Mrs.P.Gayathri

... Petitioner

vs.

S.Vikaraman @ Natarajan

.... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. praying to withdraw the H.M.O.P.No.529 of 2014 on the file of the Subordinate Court at Tambaram and to transfer the same to the file of the Subordinate Court, Kumbakonam.

For petitioner : Mr.K.R.Ramesh Kumar
For respondent : Mr.Christy Lydia

O R D E R

The respondent initiated matrimonial proceedings in HMOP No.529 of 2014 before the Subordinate Court at Tambaram praying for a decree of nullity and annulling the marriage between the parties solemnised on 25.5.2014. The petitioner who is a resident of Tharasuram in the District of Thanjavur has come up with this petition for transfer.

2. The respondent filed a counter affidavit wherein it was contended that the petitioner is a psychiatric patient taking treatment from Chennai and as such, there is no reason to transfer the proceedings from the file of the Subordinate Court at Tambaram.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. The matrimonial proceedings initiated by the respondent is pending before the Subordinate Court at Tambaram. The petitioner is stated to be a resident of Tharasuram in the

District of Thanjavur. Even according to the respondent, the petitioner is a psychiatric patient taking treatment and she is on medication. The said statement itself would justify the case pleaded by the petitioner that she is not in a position to defend the proceedings in case the same is continued before the Subordinate Court at Tambaram.

5. The Transfer Petition is opposed by the respondent also on the ground that being an employee at Bangalore, it would not be possible for him to come over to Kumbakonam.

6. The Court at Kumbakonam is a Subordinate Court. There is no need for the personal appearance of the petitioner on all the dates of hearing.

7. 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.

8. The petitioner has produced sufficient materials justifying her request for transfer. In view of the same, the Transfer Petition deserves to be allowed.

9. The proceedings in H.M.O.P.No.594 of 2014 is withdrawn from the file of Subordinate Court at Tambaram, and is transferred to the file of Subordinate Court at Kumbakonam, for disposal, on merits.

10. The respondent is given liberty to file an Application before the Trial Court to dispense with his personal appearance subject to the condition that he would appear on all the effective dates of hearing and would co-operate for early disposal of the matrimonial proceedings.

11. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

asvm

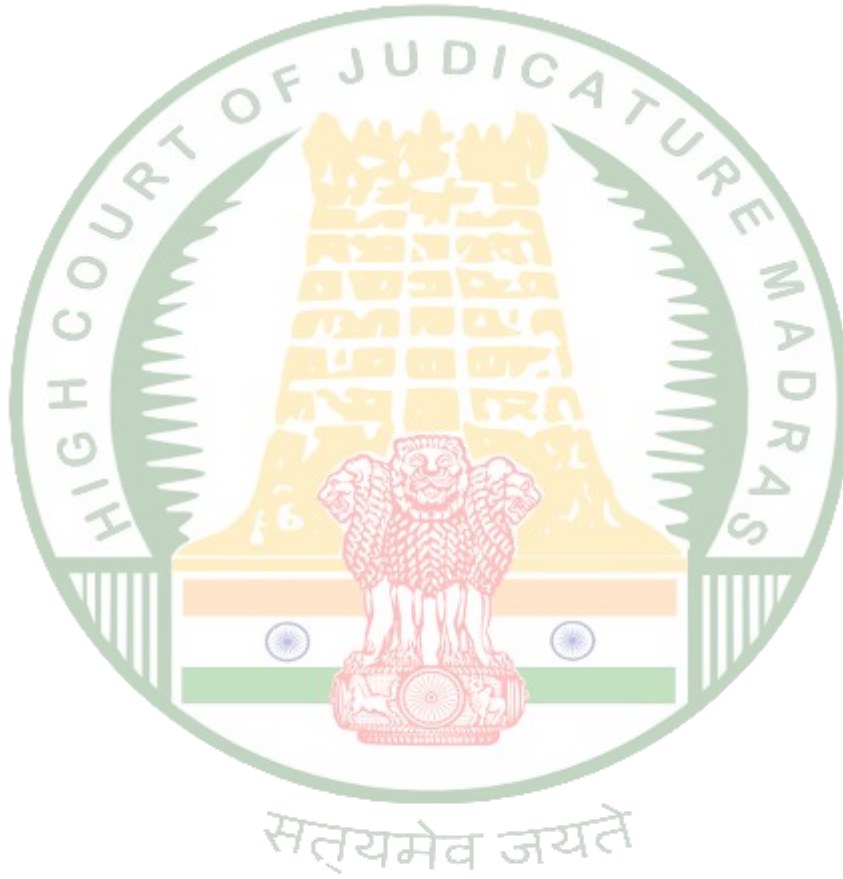
Copy to:

- 1.The Subordinate Judge, Tambaram.
- 2.The Subordinate Judge, Kumbakonam.

+lcc to Mr.K.R.Rameshkumar, Advocate, S.R.No.69937
+lcc to M/s Christy Zydia, Advocate, S.R.No.70395

RP(CO)
BB(29/12/2016)

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