

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.657 of 2016 and
CMP.No.17368 of 2016

M.Vidhya

...Petitioner

versus

S.Karthik @ Rajeshkumar

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw the case in HMOP No.50 of 2016 on the file of Sub-Judge, Kancheepuram and transfer the same to the Hon'ble II Judge, Family Court at Chennai to be tried on merits.

For Petitioner : No appearance

For Respondent : No appearance

O R D E R

The respondent initiated proceedings in HMOP No.50 of 2016 before the Sub-Court at Kancheepuram, praying for a decree of divorce. The petitioner on receipt of notice from the Trial Court has filed this petition for transfer.

2. None appears on behalf of the petitioner. There is no appearance on behalf of the respondent also, in spite of printing his name in the cause list after service.

3. The petitioner is residing at Tondiarpet along with her two year old son. The matrimonial proceedings initiated by the respondent in HMOP No.50 of 2016 is pending before the Sub-Court at Kancheepuram. According to the petitioner, it would be very difficult for her to appear before the Trial Court along with her child for the purpose of defending the proceedings initiated by the respondent. There is nothing on record to disbelieve the case pleaded by the petitioner.

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 appears to have filed O.P.No.3875 of 2016 before the II Additional Judge, Family Court, Chennai, praying for a decree under Section 9 of the Hindu Marriage Act. Such being the factual position, it would be in the interest of the parties to transfer the matrimonial proceedings initiated by the respondent to the Family Court at Chennai for joint disposal.

6. 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.

7. The proceedings in H.M.O.P.No.50 of 2016 is withdrawn from the file of Sub-Court, Kancheepuram and is transferred to the file of II Judge, Family Court, Chennai, for disposal along with O.P.No.3875 of 2016.

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

svki

Sd/-
Assistant Registrar
/TRUE COPY/
Sub-Assistant Registrar

To

1.The Sub-Court,
Kancheepuram.

2.The II Judge, Family Court,
Chennai.

सत्यमेव जयते

Transfer CMP No.657 of 2016

RV[CO]
MK:02/01/2017

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