

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 30.11.2016
CORAM:
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
Transfer CMP No.616 of 2016

Rekha

...Petitioner

versus

M.Velu

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw and transfer HMOP No.143 of 2016 filed by the respondent from the Hon'ble Sub-Court, Tirupathur to Hon'ble Sub-Court at Poonamallee, wherein the earlier HMOP No.365 of 2015 is pending.

For Petitioner : Mr.P.S.Seetharaman
For Respondent : No appearance

O R D E R

The petitioner initiated proceedings in HMOP No.365 of 2015 before the Sub-Court at Poonamallee, praying for a decree of divorce. The respondent, thereafter, filed HMOP No.143 of 2016 before the Sub-Court at Tirupattur, invoking Section 9 of the Hindu Marriage Act. The petitioner, who is a resident of Chennai is before this Court with a request to transfer the matrimonial proceedings from the Sub-Court, Tirupathur to Sub-Court, Poonamallee.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondent, in spite of printing his name in the cause list after service.

3. There are two proceedings now pending before two different Courts. The petitioner filed proceedings in HMOP No.365 of 2015 at the first instance. It was only thereafter, the respondent filed HMOP.143 of 2016 for restitution of conjugal rights.

4. The petitioner in her affidavit filed in support of the transfer petition stated that she is unemployed and is at the mercy of her father. According to the petitioner, it would be very difficult for her to travel from Porur to Tirupathur for the purpose of defending the proceedings in HMOP No.143 of 2016.

5. There is nothing on record to suspect the veracity of the reasons found mentioned in the transfer petition.

6. 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.

7. The petitioner has produced sufficient materials justifying her request for transfer. I am therefore of the view that the transfer petition deserves to be allowed.

8. The proceedings in H.M.O.P.No.143 of 2016 is withdrawn from the file of Sub-Court, Tirupathur and is transferred to the file of Sub-Court, Poonamallee, for disposal along with HMOP No.365 of 2015.

9. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

svki

To

- 1.The Sub-Judge, Tirupathur
- 2.The Sub-Judge, Poonamallee

Transfer CMP No.616 of 2016

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