

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.621 OF 2016

AND

CMP NO.16739 OF 2016

Divya

... Petitioner

Versus

J.Rajkumar

... Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code with a prayer to withdraw H.M.O.P.No.283 of 2016 pending on the file of the Subordinate Court, Poonamallee and transfer the same to the Family Court, Coimbatore.

For Petitioner : Mr.S.B.Viswanathan

For Respondent : No appearance

O R D E R

The respondent initiated a proceedings in H.M.O.P.No.283 of 2016, before the Subordinate Court, Poonamallee, praying for a decree of divorce.

2. The petitioner on the other hand filed a Maintenance Case in M.C.No.130 of 2016 before the Family Court at Coimbatore.

3. The petitioner has come up with this petition for transfer of the proceedings in H.M.O.P.No.283 of 2016.

4. 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.

5. The petitioner is a resident of Coimbatore. The proceedings initiated by the respondent in H.M.O.P.No.283 of 2016 is pending before the Subordinate Court, Poonamallee. There is a connected proceedings initiated by the petitioner in M.C.No.130 of 2016 which is pending before the Family Court, Coimbatore.

6. According to the petitioner, it would not be possible for her to defend the proceedings in H.M.O.P.No.283 of 2016, in case, the same is continued before the Sub Court

at Poonamallee. There is nothing on record suspecting the bonafides in filing this transfer petition.

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. I am therefore of the view that the transfer petition deserves to be allowed.

9. The proceedings in H.M.O.P.No.283 of 2016 is withdrawn from the file of Subordinate Court, Poonamallee, and is transferred to the file of Family Court, Coimbatore, for disposal along with M.C.No.130 of 2016.

10. The Transfer Civil Miscellaneous Petition is allowed with the above observation. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

TK

To

1. The Subordinate Judge,
Poonamallee.
2. The Judge,
Family Court,
Coimbatore.

+1cc to Mr.S.B.Viswanathan, Advocate, S.R.No.66024

TR CMP NO.621 OF 2016

SSK(CO)
CA(29/12/2016)