

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2016

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Tr.C.M.P. No.627 of 2016
and
C.M.P.No.16855 of 2016

K.Ammu @ Jenifer

.. Petitioner

vs.

S.Karthi

.. Respondent

Tr.C.M.P. filed under section 24 of C.P.C., praying to withdraw and transfer HMOP No.11 of 2016 pending on the file of Subordinate Court at Thiruvavarur to the file of Subordinate Court at Thiruvallur.

For petitioner : Mr.D.Kumar
for M/s.Sheela Thomas

For respondent : No appearance

O R D E R

The respondent filed a petition for divorce in HMOP No.11 of 2016 before the Subordinate Court at Tiruvarur. The petitioner filed this petition for transfer of the proceedings.

2. Heard the learned counsel for the petitioner. None appears for the respondent.

3. The petitioner is a resident of J.J.Nagar West, Chennai. The proceedings initiated by the respondent is pending before the Subordinate Court at Tiruvarur. According to the petitioner, she is staying with her parents. The petitioner is fully depending upon her parents for maintenance. According to the petitioner, it would not be possible for her to travel from Chennai to Thiruvavarur, for the purpose of defending the proceedings in HMOP No.11 of 2016. There is nothing on record to suspect the bona fides in filing this Transfer Petition.

3. 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.

4. 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.

5. The proceedings in H.M.O.P.No.11 of 2016 is withdrawn from the file of Subordinate Court at Thiruvarur and is transferred to the file of Family Court at Thiruvallur, for disposal on merits.

6. The Transfer Petition is allowed. No costs. Connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

asvm

Copy to:

- 1.The Subordinate Court,
Thiruvarur.
- 2.The Judge,
Family Court, Thiruvallur.

+1cc to M/s.Sheela Thomas, Advocate, S.R.No.71334

Tr.C.M.P. No.627 of 2016
and
C.M.P.No.16855 of 2016

gjII(co)
pmk.2.2.2017

WEB COPY