

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.631 of 2016 and

CMP.No.16859 of 2016

G.Saranya ...Petitioner/ Petitioner

V.Balaji versus ...Respondent/ Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw FCOP No.245 of 2016 pending on the file of Family Court, Salem and transfer the same to Sub-Court, Sathiyamangalam.

For Petitioner : Mr.S.Parthasarathy

For Respondent : No appearance

O R D E R

The respondent initiated proceedings in FCOP No.245 of 2016 before the Family Court, Salem, praying for a decree of divorce. The petitioner, who was shown as the respondent has come up with this petition for transfer.

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. The petitioner is a resident of Sathiyamangalam in the district of Erode. The proceedings initiated by the respondent is pending before the Family Court at Salem. According to the petitioner, it would not possible for her to travel about 110 kms along with the minor child, aged about 2 years to defend the proceedings pending before the Family Court at Salem. There is nothing on record to suspect the bonafides in filing this transfer petition.

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

6. The proceedings in F.C.O.P.No.245 of 2016 is withdrawn from the file of Family Court, Salem and is transferred to the file of Sub-Court, Sathyamangalam, for disposal on merits.

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

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

svki

To

1.The Judge,
Family Court, Salem

2.The Judge,
Sub-Court, Sathyamangalam

1 cc to Mr.S. POarthasarathy, Advocate, Sr. 65761

Transfer CMP No.631 of 2016

VGI (CO)
kk 14/12

सत्यमेव जयते

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