

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.640 of 2016 and

CMP.No.17015 of 2016

K.Dhanalakshmi ...Petitioner/Respondent

versus

A.Saravana Kumar ...Respondent/Petitioner

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw HMOP No.189 of 2015 pending on the file of the III Additional Subordinate Court, Coimbatore and transfer the same to the file of the Subordinate Court, Gobichettipalayam.

For Petitioner : Mr.R.Iyappan
For Respondent : No appearance

O R D E R

The respondent in HMOP No.189 of 2015 on the file of the III Additional Subordinate Judge, Coimbatore, has come up with this petition with a request to transfer the proceedings to the Subordinate Court, Gobichettipalayam for disposal.

2. The respondent is the petitioner in HMOP.No.189 of 2015. The respondent initiated the proceedings in HMOP.No.189 of 2015 for divorce.

3. The petitioner is a resident of Gobichettipalayam. According to the petitioner, it would not be possible for her to defend the proceedings pending before the III Additional Subordinate Court, Coimbatore, in view of the distance factor.

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. It is the grievance of the petitioner that being a resident of Gobichettipalayam, it would be very difficult for

her to defend the proceedings in HMOP.No.189 of 2015, which is now pending before the III Additional Subordinate Court, Coimbatore. There is nothing on record to disbelieve the version given by the petitioner in her transfer petition. I am therefore of the view that the transfer petition deserves to be allowed.

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. In the result, the proceedings in HMOP.No.189 of 2015 is withdrawn from the file of the III Additional Subordinate Judge, Coimbatore, and is transferred to the file of the Subordinate Court, Gobichettipalayam, for disposal on merits.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The III Additional Subordinate Court, Coimbatore
- 2 The Subordinate Court, Gobichettipalayam

cnr(CO)
md(19/12/2016)

सत्यमेव जयते

Transfer CMP No.640 of 2016

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