

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.644 OF 2016

AND

CMP NO.17089 OF 2016

Karthika ... Petitioner/Respondent

Versus

Govindaraj ... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw the H.M.O.P.No.68 of 2016 pending on the file of Court of Subordinate Judge, Mayiladuthurai, Nagapattinam District and transfer the same to Court of Subordinate Judge, Thiruthuraipoondi, Tiruvarur District.

For Petitioner : Mr.N.Ramachandran

For Respondent : No appearance

O R D E R

The respondent initiated proceedings in H.M.O.P.No.68 of 2016, before the Subordinate Court, Mayiladuthurai, Nagapattinam District, praying for a decree of divorce.

2. The petitioner, who was shown as respondent in the said proceedings, has come up with this petition for transfer.

3. 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.

4. The matrimonial proceedings in H.M.O.P.No.68 of 2016 was filed by the respondent before the Subordinate Court, Mayiladuthurai, praying for a decree of divorce.

5. The petitioner is a resident of Thiruthuraipoondi in the District of Thiruvarur. The matrimonial proceedings is pending before the Court at Mayiladuthurai. According to the

petitioner, it would not be possible for her to defend the proceedings in H.M.O.P.No.68 of 2016, in case the same is continued before the Subordinate Court at Mayiladuthurai. There is nothing on record to suspect the bonafides in filing this 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 The proceedings in H.M.O.P.No.68 of 2016 is withdrawn from the file of Subordinate Court, Mayiladuthurai, and is transferred to the file of Subordinate Court, Thiruthuraipoondi, Thiruvavarur District.

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

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

TK

To

1. The Subordinate Judge,
Mayiladuthurai,
Nagapattinam District.

2. The Subordinate Judge,
Thiruthuraipoondi,
Thiruvavarur District.

+1cc to Mr.N.Ramachandran, Advocate, S.R.No.66434

TR C.M.P.NO.644 OF 2016

CA(CO)
CA(20/12/2016)