

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.646 OF 2016

V.Lavanya

... Petitioner/Respondent

Versus

S.Raja

... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Civil Procedure Code with a prayer to withdraw and transfer HMOP No.42 of 2016 on the file of Sub Court, Tiruttani to Family Court at Chennai.

For Petitioner : Ms.P.D.Theyzovathi

For Respondent : No appearance

O R D E R

The respondent initiated proceedings in H.MO.P.No.42 of 2016, before the Sub Court, Tiruttani, praying for a decree of divorce. The petitioner, who was shown as respondent in the said matrimonial proceedings, filed 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 proceedings in H.MO.P.No.42 of 2016 was instituted by the respondent before the Sub Court, Tiruttani.

4. The petitioner is a resident of Avadi. According to the petitioner, it would be difficult for her to appear before the Sub Court at Tiruttani, for defending the proceedings in H.M.O.P.No.42 of 2016. The petitioner is depending on her parents and it would not be possible to take them along with her to travel from Avadi to Tiruttani. There is nothing on record to suspect the bonafides in filing this transfer petition

5. 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.

6. 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.

7. The proceedings in H.M.O.P.No.42 of 2016 is withdrawn from the file of Sub Court, Tiruttani and is transferred to the file of Principal Family Court, Chennai, for disposal on merits.

8. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

TK

To

1. The Sub Judge,
Tiruttani.
2. The Principal Judge,
Family Court
Chennai.

CP(CO)
CA(15/12/2016)

TR CMP NO.646 OF 2016

सत्यमेव जयते

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