

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2016

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Tr.C.M.P. No.647 of 2016
and
C.M.P.No.17112 of 2016

Dr.Mary Sarojini ... Petitioner

vs.

Dr.Johny Vasanth ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. praying to withdraw IDOP No.3761 of 2016 on the file of the file of the Principal Judge, Family Court at Chennai and to transfer it to the file of the Family Court at Vellore.

For Petitioner : Mr.R.Sivaraman

For Respondent : No appearance

O R D E R

The respondent filed the proceedings in IDOP No.3761 of 2016 before the Principal Judge, Family Court at Chennai, against the petitioner praying for a decree of divorce. The petitioner has come up with this petition for transfer of the said proceedings.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondent inspite of printing his name in the cause list. सत्यमेव जयते

3. The proceedings in IDOP No.3761 of 2016 was instituted by the respondent before the Principal Judge, Family Court at Chennai. The petitioner is a resident of Vellore. According to the petitioner, it would not be possible for her to travel from Vellore to Chennai for the purpose of defending the proceedings in IDOP No.3761 of 2016.

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 is residing at Vellore along with a minor child. The petitioner has produced sufficient materials justifying her request for transfer. Therefore, I am of the view that the Transfer Petition deserves to be allowed.

6. The Original Petition in IDOP No.3761 of 2016 is withdrawn from the file of the Principal Judge, Family Court at Chennai and transferred to the file of Family Court at Vellore.

7. The Transfer Petition is allowed with the above observation. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

asvm

To

1.The Principal Judge,
Family Court, Chennai.

2.The Judge,
Family Court,
Vellore.

+ 1 cc to Mr.R. Sivaraman, Advocate SR.67639

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SSI (CO)
EU 15.12.16

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