

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.649 of 2016 and

CMP.No.17217 of 2016

R.Vedha ...Petitioner/Respondent

S.Mahendran ...Respondent/Petitioner

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.91 of 2016 pending on the file of Sub-Court, Perambalur, Perambalur District and transfer the same to the Family Court, Chennai.

For Petitioner : Mr.J.Sathya Narayana Prasad
For Respondent : No appearance

O R D E R

The respondent initiated proceedings in HMOP No.91 of 2016 before the Sub-Court at Perambalur, praying for a decree under Section 9 of the Hindu Marriage Act. The petitioner is before this Court with a request to transfer the proceedings to a Court at Chennai.

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 respondent initiated proceedings for restitution of conjugal rights before the Sub-Court at Perambalur. The petitioner is a resident of Avadi. According to the petitioner, it would not be possible for her to appear before the Sub-Court at Perambalur in connection with the proceedings in HMOP No.91 of 2016. The petitioner is maintaining her minor child, aged about 1 1/2 years and as such, she finds it difficult to travel from Chennai to Perambalur. 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 The proceedings in H.M.O.P.No.91 of 2016 is withdrawn from the file of Sub-Court, Perambalur and is transferred to the file of Family Court, Chennai, for disposal on merits.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 (J)

/true copy/

Sub Asst. Registrar

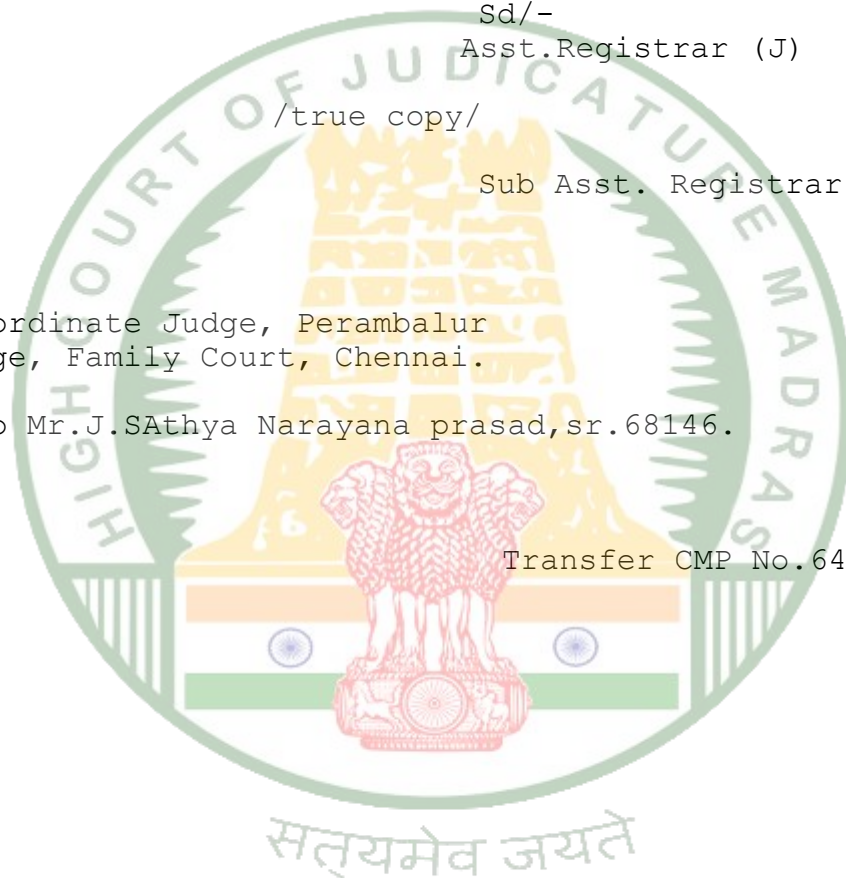
To

- 1.The Subordinate Judge, Perambalur
- 2.The Judge, Family Court, Chennai.

+2 cc's to Mr.J.SAthya Narayana prasad,sr.68146.

rv(co)
krd 20/12

Transfer CMP No.649 of 2016



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