

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.681 of 2016 and

CMP.No.17781 of 2016

R.Bhargavi ...Petitioner

versus

R.Rajeshkumar ...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the HMOP.No.252/2015 on the file of the Principal Subordinate Judge, Thanjavur and transfer the same to Family Court at Coimbatore.

For Petitioner : Mr.M.N.Balakrishnan
For Respondent : No appearance

O R D E R

The respondent initiated a proceedings for divorce in HMOP.No.252/2015 before the learned Principal Subordinate Judge, Thanjavur, invoking Section 9 of the Hindu Marriage Act, 1955.

2. The petitioner, who is the respondent in HMOP.No.252/2015, is before this Court with a request to transfer the proceedings.

3. Heard the learned Counsel for the petitioner. None appears on behalf of the respondent.

4. The proceedings initiated by the respondent is presently pending before the Principal Subordinate Court, Thanjavur. The petitioner is a permanent resident of Periyanaickenpalayam in Coimbatore District. According to the petitioner, it would not be possible for her to travel from Coimbatore to Thanjavur for the purpose of defending the proceedings in HMOP.No.252/2015. There is nothing on record to

suspect the bonafies in the version given by the petitioner.

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 is maintaining her male child aged about 4 years. The petitioner is, therefore, perfectly correct in her contention that it would not be possible for her to defend the proceedings in HMOP No.252/2015, in case, the same is continued before the Principal Subordinate Court, Thanjavur. I am, therefore, of the view that the petitioner has made out a case for transfer.

7. The proceedings in HMOP.No.252 of 2015 is withdrawn from the file of the Principal Subordinate Judge, Thanjavur and is transferred to the file of Family Court at Coimbatore.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Subordinate Judge, Thanjavur.
2. The Family Court, Coimbatore.

+1cc to Mr.M.N. Balakrishnan, Advocate, S.R.No.69921

nri(CO)
md(29/12/2016)

Transfer CMP No.681 of 2016