

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2016

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN

Transfer CMP.No.700 of 2016

and

C.M.P.No.18199 of 2016

K.Narmathapriya ...Petitioner

vs.

Mr.V.Vinoth Kumar ...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the H.M.O.P.No.415 of 2016 on the file of Sub Court, Poonamallee and to transfer the same to the Sub Court, Ranipet.

For Petitioner : Mr.G.A.Thiyagarajan
For Respondent : No appearance

O R D E R

The respondent initiated matrimonial proceedings, against the petitioner in H.M.O.P No.415 of 2016, before the Subordinate Court, Poonamallee. The petitioner, who is a resident of Sholinghur, Vellore District, is before this Court with a request to transfer the said proceedings, to the file of Subordinate Court, Ranipet, Vellore District.

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

3. The petitioner is a resident of Sholinghur in Vellore District. According to the petitioner, it would not be possible for her to travel from Sholinghur to Poonamallee to defend the proceedings pending before the Subordinate Court, Poonamallee. It is further contended that the respondent is not paying maintenance to the petitioner and hence it would not be possible for her to meet the expenses for travel to the Court where the matter is pending. There is nothing

on record to suspect the bona fides 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 of the proceedings. I am therefore of the view that the Transfer Petition deserves to be allowed.

6. In the result, the proceedings in H.M.O.P.No.415 of 2016, is withdrawn from the file of the Subordinate Court, Poonamallee, and is transferred to the file of Subordinate Court, Ranipet, Vellore District, for disposal on merits.

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

Sd/
Assistant Registrar (CSIII)

/True copy/

Sub Assistant Registrar

To

1. The Subordinate Court, Poonamallee.

2. The Subordinate Court, Ranipet,
Vellore District.

+1cc to M/s.G.A.Thiyagarajan, Advocate SR.No.71110

SDR 29.12.2016

Transfer CMP.No.700 of 2016