

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2016

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Tr.CMP.No.80/2016 & CMP.No.1808/2016

K.Girija Malini

.. Petitioner

Vs.

S.Balakrishnan

.. Respondent

Transfer Petition filed under section 24 of Code of Civil Procedure to withdraw and transfer the HMOP No.701/2014 from the file of 3rd Additional Family Court, Chennai to Sub Court, Thanjavur.

For Petitioner : Mr.M.Ganesh

For Respondent : No appearance

ORDER

The petitioner has filed the present Transfer Petition to withdraw HMOP No.701/2014 from the file of III Additional Family Court, Chennai and to transfer the same to the Sub Court, Thanjavur.

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 divorce before the III Additional Family Court, Chennai, against the petitioner. The petitioner on receipt of summons from the Trial Court, filed this petition for transfer.

4 The petitioner is stated to be a permanent resident of Thanjavur. She is working there as an Assistant Engineer, Quality Control Section, Public Works Department. The respondent is working as Assistant Professor, Department of Veterinary Public Health and Epidemiology, at Thanjavur. Though the respondent is a resident of Chennai, the fact remains that he is working at Thanjavur.

5 According to the petitioner, it would be practically impossible for her to appear before the Family Court, Chennai, along with her minor child, for the purpose of defending the proceedings in HMOP No.701/2014. There is nothing on record to suspect the bona fides in filing the present transfer petition.

6 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 the institution of the proceedings.

7 The petitioner has produced sufficient materials justifying transfer. I am, therefore, this Court is of the view that the transfer petition deserves to be allowed.

8 The proceedings in HMOP No.701/2014 is withdrawn from the file of the III Additional Family Court, Chennai and is transferred to the file of the Sub Court, at Thanjavur.

9 The transfer petition is allowed as indicated above. No costs. Consequently the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

AP

To

1.The III Additional Judge
Family Court, Chennai.

2.The Subordinate Judge
Thanjavur.

1 cc to Mr.M. Ganesh, Advocate, Sr. 56742

Tr.CMP.No.80/2016

NMI (CO)
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