

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR CMP NO.108 of 2017
AND CMP NO.1744 of 2017

P.Kavitha

... Petitioner

versus

M.Karthick Raja

... Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code to withdraw the H.M.O.P No. 1014 of 2016 pending on the file of the Hon'ble District Judge of Family Court, Madurai and transfer the same to the Hon'ble Family Court, Chennai.

For Petitioner : Ms.R.Vimal

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ORDER

The petitioner has filed this transfer petition with a prayer to withdraw the proceedings in H.M.O.P No. 1014 of 2016 from the file of Family Court, Madurai and transfer the same to the file of Family

Court, Chennai.

2. Heard the learned counsel for the petitioner and notice was served on behalf of the respondent on 16.02.2017, none appeared.

3. The petitioner is a resident of Chennai. The respondent/husband instituted a proceedings in H.M.O.P No. 1014 of 2016 for divorce. According to the petitioner, she is residing at Chennai, it is very difficult to travel Chennai to Madurai for defending the proceedings in H.M.O.P No. 1014 of 2016.

4. The respondent/husband was served with the notice through Court on 08.03.2017 and through private notice taken by the petitioner on 16.02.2017. Despite the same there is not appearance.

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 has produced sufficient materials justifying the transfer. In fact, there is nothing on record suspecting the *bonafides* in filing this transfer petition.

7. Considering the distance and physical inconvenience caused to the petitioner, this Court is of the view that the transfer petition deserves to be allowed. Accordingly, the proceedings in H.M.O.P No. 1014 of 2016 is withdrawn from the file of Family Court, Madurai and is transferred to Family Court, Chennai for disposal on merits. The Family Court, Chennai is directed to renumber the H.M.O.P No. 1014 of 2016 and conduct the proceedings, in accordance with law, as expeditiously as possible from the date of receipt of a copy of this order.

8. With the above direction, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
bsm

To

1) The Family Court,
Madurai

2) The Family Court
Chennai.

M.GOVINDARAJ, J.

bsm



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