

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR CMP NO.178 of 2017
AND CMP NO.3221 of 2017

R.Sharmila @ Vembu

... Petitioner

versus

R.Stalin @ Selventhiran

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the F.C.O.P No. 544 of 2016 on the file of the Family Court, Salem and transfer the same to Family Court, Erode.

For Petitioner : Mr.M.Guruprasad
For Respondent : No appearance

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ORDER

The petitioner has filed this transfer petition with a prayer to withdraw F.C.O.P.No.544 of 2016 from the file of Family Court, Salem and to transfer the same to the file of Family Court, Erode.

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

3. The petitioner is a resident of Erode. The respondent instituted a proceedings before the Family Court, Salem in F.C.O.P No. 544 of 2016 for divorce According to the petitioner, she is residing at No.546, 1st Street, Manikkampalayam Housing unit, Erode and as such, it would not be possible for her to travel to Salem, for the purpose of defending the proceedings in F.C.O.P.No.544 of 2016.

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 the transfer. In fact, there is nothing on record suspecting the *bonafides* in filing this transfer petition. Considering the physical inconvenience caused to the petitioner, this Court is of the view that the transfer petition deserves to be allowed.

6. Considering the physical inconvenience caused to the petitioner, the proceedings in F.C.O.P.No.544 of 2016 is withdrawn from the file of Family Court, Salem and is transferred to the file of Family Court, Erode, for disposal on merits.

7. The Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28.07. 2017

Index : Yes/No
Internet : Yes/No
bsm/tk

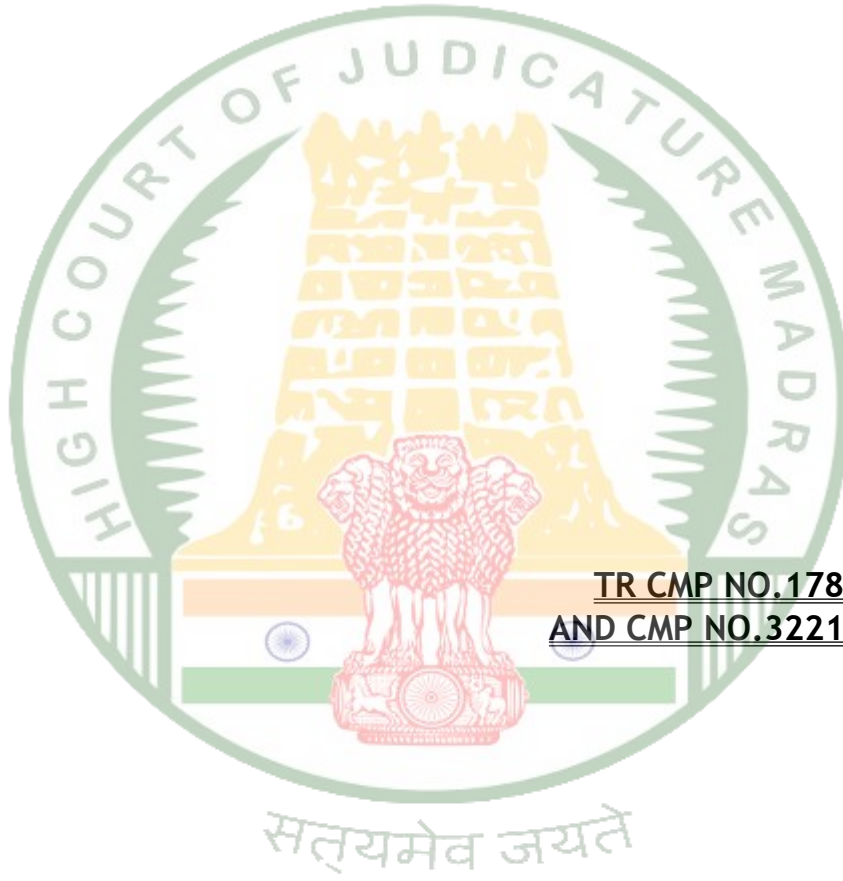
To

- 1) The Family Court,
Salem.
- 2) The Family Court,
Erode.

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M.GOVINDARAJ, J.

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