

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR CMP NO.264 of 2017
AND CMP NO.4959 of 2017

G.Saraswathy

... Petitioner

versus

N.Suresh Kumar

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the above O.P.No. 259 of 2015 pending on the file of the Sub Court Poonamallee to First Additional Family Court, Chennai where M.C.No. 490 of 2016 is pending.

For Petitioner : Mr.B.Karpagam

For Respondent : No appearance

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ORDER

The petitioner is the wife, who wants transfer of petition filed by the husband before the Sub Court, Poonamallee to be tried along with the maintenance petition filed by her before the First

Additional Family Court, Chennai.

2. The petitioner is a resident of Chennai. The respondent instituted a proceeding before the Sub Court Poonamallee in O.P.No. 259 of 2015 for the petitioner has filed a Maintenance Case in M.C.No.490 of 2016 on the file of First Additional Family Court, Chennai. According to the petitioner, it would be very difficult for her to travel to Poonamallee, for the purpose of defending the proceedings in H.M.O.P.No.259 of 2015.

3. 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.

4. 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 Considering the physical inconvenience caused to the petitioner, the proceedings in O.P.No.259 of 2017 is withdrawn from the file of Sub-Court, Poonamallee and is transferred to the file of First Additional Family Court, Chennai, for disposal on merits, along with M.C.No.490 of 2016.

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

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Index : Yes/No
Internet : Yes/No

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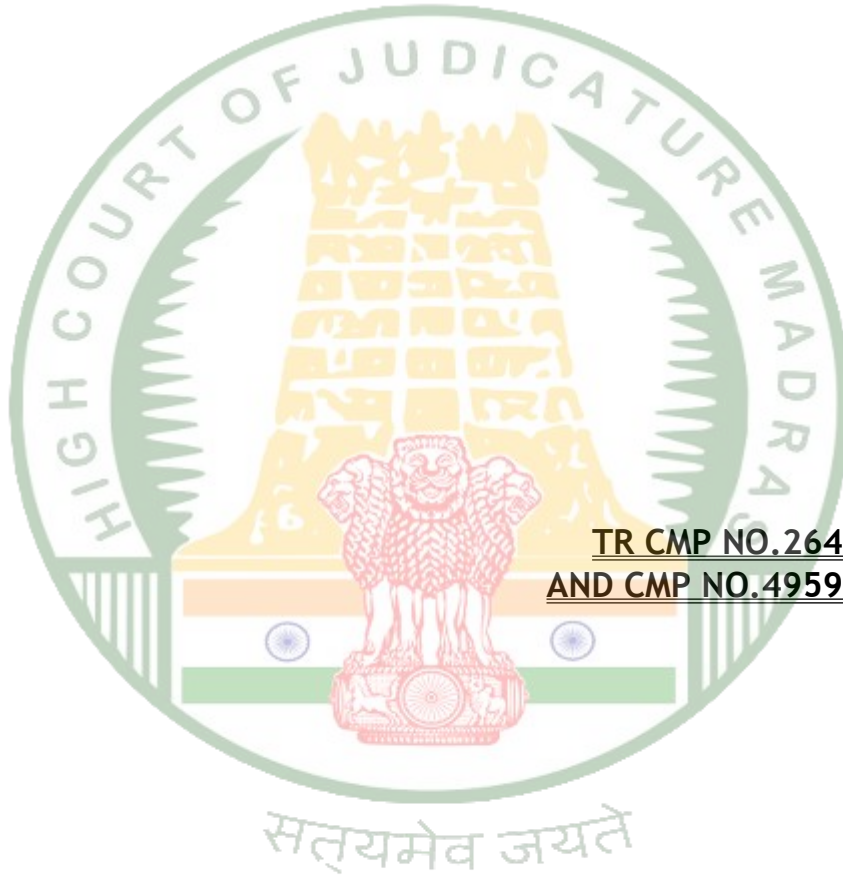
To

- 1) The Principal Sub-Court,
Poonamallee.
- 2) The First Additional Family Court,
Chennai.

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M.GOVINDARAJ, J.

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