

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR CMP NO.281 of 2017

AND CMP NO.5368 of 2017

V.Vinothini

... Petitioner

versus

A.Siva Kumar

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the H.M.O.P. No.731 of 2016 on the file of Subordinate Court, Tambaram and transfer the same to the Subordinate Court, Vellore and try along with H.M.O.P No.62 of 2017 pending on the file of Subordinate Court, Vellore.

For Petitioner : Mr.C.Ajith Kumar

For Respondent : Mr.A.Siva Kumar

O R D E R

The petitioner has filed this transfer petition with a prayer to withdraw the proceedings in H.M.O.P. No.731 of 2016 from the file of Subordinate Court, Tambaram and transfer the same to the file of Subordinate Court, Vellore.

2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

3. The petitioner is a resident of Vellore. The respondent instituted a proceedings before the Subordinate Court Tambaram. According to the petitioner, she is residing along with her parents at No. 15/13-B, Vigneshwar Nagar, Phase III, Sathuvachari, at Vellore and as such, it would not be possible for her to travel to Tambaram, for the purpose of defending the proceedings in H.M.O.P.No.731 of 2016. Further, the petitioner has filed a petition for Restitution of Conjugal Rights in HMOP No. 62 of 2017 which is pending before the Subordinate Court, Vellore.

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. The proceedings in H.M.O.P.No.731 of 2016 is withdrawn from the file of Subordinate Court, Tambaram and is transferred to the file of Subordinate Court, Vellore, to be tried along with H.M.O.P No. 62 of 2017. The Subordinate Court, Vellore is directed to conduct and complete the proceedings, on merits and as per law, as expeditiously as possible.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

bsm/tk

To

1) The Subordinate Judge,
Tambaram.

2) The Subordinate Judge,
Vellore .

+ 1 cc to Mr.C. Ajithhkumar, Advocate SR.53805

TR CMP NO.281 of 2017
AND CMP NO.5368 of 2017

EV(CO)
EU 21.08.17

WEB COPY