

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR CMP NO.314 of 2017

AND CMP NO.5904 of 2017

Anitha ... Petitioner
versus
Jegannath Jeyam ... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure to withdraw of the H.M.O.P No. 736 of 2016 from the file of the Subordinate Court, Tambaram and the same be transferred to the Sub Ordinate Court, Tuticorin.

For Petitioner : Mr.M.Venkadesh 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. 736 of 2016 from the file of Subordinate Court, Tambaram and to transfer the same on the file of Sub Ordinate Court, Tuticorin.

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

3. The petitioner/Wife is resident of Tuticorin. The respondent/Husband filed an H.M.O.P No.736 of 2016 before the Sub Ordinate Court, Tambaram for divorce. The petitioner is a resident of Tuticorin, Accordingly, it is very difficulty to travel Tuticorin to Chennai.

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.

6. Considering distance and the physical inconvenience caused to the petitioner, this Court is of the view that the transfer petition deserves to be allowed.

7. Considering the facts and circumstances of the case, the proceedings in H.M.O.P No.736 of 2016 is withdrawn from the file of Sub Ordinate Court, Tambaram and the same is

transferred to the file of Sub Ordinate Court, Tuticorin. The Sub Ordinate Court, Tuticorin is directed to renumber the H.M.O.P No. 736 of 2016 and conduct the proceedings on merits and in accordance with law, as expeditiously as possible.

8. The Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bsm
To

- 1) The Sub Judge
The Sub Ordinate Court,
Tambaram.
- 2) The Sub Judge
The Sub Ordinate Court,
Tuticorin.

+1cc to Mr.M.Venkatesh kumar, Advocate SR.No.60121
+1cc to Mr.S.Vasu, Advocate Sr.No.59354

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SS(CO)
sm:28.11.2017

सत्यमेव जयते

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