

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR CMP NO.333 of 2017
AND CMP NO.6623 of 2017

V.Reny Varghese

... Petitioner

versus

Romy John

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the case in I.D.O.P.No. 85 of 2016 on the file of the Principle District Judge, Chengelpet and Transfer the same to Second Additional Family Court, Chennai.

For Petitioner : Mr.R.Arunkumar

For Respondent : No appearance

ORDER

The petitioner has filed this transfer petition with a prayer to withdraw the proceedings in I.D.O.P.No. 85 of 2016 from the file of Principal District Court, Chengelpet and transfer the same to the file of Second Additional Family Court, Chennai.

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

3. The learned counsel for the petitioner would submit that the petitioner is having two children and it is very difficult for her to travel to Chengelpet for every hearing. Further, the petitioner has filed I.M.O.P No.1241 of 2017 for restitution of conjugal rights before the Second Additional Family Court.

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petitioner, the proceedings in I.M.O.P.No. 85 of 2016 is withdrawn from

the file of Principal District Court, Chengelpet and is transferred to the file of Second Additional Family Court, Chennai, to be tried along with I.M.O.P No.1241 of 2017. The Second Additional Family Court, Chennai, is directed to dispose of both the proceedings, on merits and as per law, as expeditiously as possible.

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 Principal District Court,
Chengelpet.
- 2) The Second Additional Family Court,
Chennai.

WEB COPY

M.GOVINDARAJ, J.

bsm/tk



TR CMP NO.333 of 2017
AND CMP NO.6623 of 2017

WEB COPY

28.07.2017