

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR CMP NO.335 of 2017
AND CMP NO.6625 of 2017

Gowri ... Petitioner
versus
Deivanathan ... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure to withdraw of the H.M.O.P No. 124 of 2016 from the file of the Principle Subordinate Court, Tindivanam and transfer the same to the Sub Court, Tamabaram.

For Petitioner : Mr.V.S.Mannarasamy

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. 124 of 2016 from the file of Principle Subordinate Court, Tindivanam and to transfer the same on the file of Sub Court, Tamabaram.

2. Heard the learned counsel for the petitioner, Even though notice was served on 03.05.2017, there was no representation, again the matter was posted on 06.06.2017, none appeared on behalf of the respondent and therefore it was posted for orders on 31.07.2017.

3. Today the matter is taken up for consideration, there is no representation on behalf of the respondent. The petitioner/Wife is resident of Pallikarani, Chennai. The respondent/Husband filed an H.M.O.P No.124 of 2016 before the Sub Court, Tindivanam for divorce. The petitioner is a resident of Chennai, she has to look after her son as well as daughter and to take care of old age mother, and its presence at Chennai is very much required for all days.

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. Accordingly, the proceedings in H.M.O.P No. 124 of 2016 is withdrawn from the file of Principle Subordinate Court, Tindivanam and the same is transferred to the file of Sub Court, Tambaram. The Sub Court, Tambaram is directed to renumber the H.M.O.P No. 124 of 2016 and conduct the proceedings on merits and in accordance with law, as expeditiously as possible.

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

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

bsm

To

- 1) The Principle Subordinate Court,
Tindivanam.
- 2) The Sub Court,
Tamabaram.

+1 CC to Mr.V.S. Mannarsamy, Advocate sr 59963.

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SP(28/11/2017)