

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR CMP NO.431 of 2017
AND CMP NO.8900 of 2017

J.Suneetha

... Petitioner

versus

J.Anthony Babu

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the I.D.O.P No. 6 of 2017 pending at Principal District Judge at Vellore to the Principal Judge Family Court at Chennai.

For Petitioner : Mr.S.Lokaiah
For Respondent : Mr.S.Prasad Baby

ORDER

The petitioner has filed this transfer petition with a prayer to withdraw the proceedings in I.D.O.P No. 6 of 2017 from the file of Principal District Court, Vellore, and transfer the same to the file of Principal Family Court, Chennai.

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 Chennai. The respondent instituted a proceedings in I.D.O.P No. 6 of 2017 for divorce. According to the petitioner, it would be very difficult for her to travel from Chennai to Vellore, to defend the proceedings.

4. The learned counsel for the respondent would submit that there is some difficulty for the respondent to appear before the Court at Chennai for defending the proceedings and hence, he seeks for transferring the same to another Court.

5. 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.

6. 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.

7. Accordingly, the proceedings in I.D.O.P No. 6 of 2017 is withdrawn from the file of Principal District Vellore and is transferred to Additional District Court, Poonamallee, for disposal on merits. The Additional District Judge, Poonamallee, is directed to complete the trial, within a period of six months from the date of receipt of a copy of this order.

8. The Transfer Civil Miscellaneous Petition is disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petition is closed.

28.07.2017

Index : Yes/No

Internet : Yes/No

bsm/tk

To

1) The Principal Sub-Court,
Trichy.

2) The Additional District Court
Poonamallee.

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M.GOVINDARAJ, J.

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