

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR CMP NO.437 of 2017
AND CMP NO.8944 of 2017

Poonkodi alias Jemi

... Petitioner

versus

R.Babu

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure to withdraw of the H.M.O.P No. 54 of 2017 now pending on the file of the Sub-Court, Gobichettipalayam, Erode District and transfer the case to the file of the Family Court, Chennai.

For Petitioner : Mr.K.Premkumar
For Respondent : Mr.G.Thyagarajan

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ORDER

The petitioner has filed this transfer petition with a prayer to withdraw the proceedings in H.M.O.P No. 54 of 2017 from the file of Sub-Court, Gobichettipalayam, Erode District and to transfer the same

on the file of Family Court, Chennai.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The petitioner/Wife is resident of Chennai. The respondent/Husband filed an H.M.O.P No. 54 of 2017 before the Sub-Court, Gobichettipalayam, Erode District for divorce and he has no objection to transfer the case. According to the petitioner/wife, it is very difficult for her to travel a long distance from Chennai to Gobichettipalayam for defending the proceedings in H.M.O.P. No. 54 of 2017.

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 Accordingly, the proceedings in H.M.O.P No. 54 of 2017 is withdrawn from the file of Sub-Court, Gobichettipalayam, Erode District and the same is transferred to the file of Family Court, Chennai. The Family Court, Chennai is directed to renumber the H.M.O.P No. 54 of 2017 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.

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Index : Yes/No
Internet : Yes/No

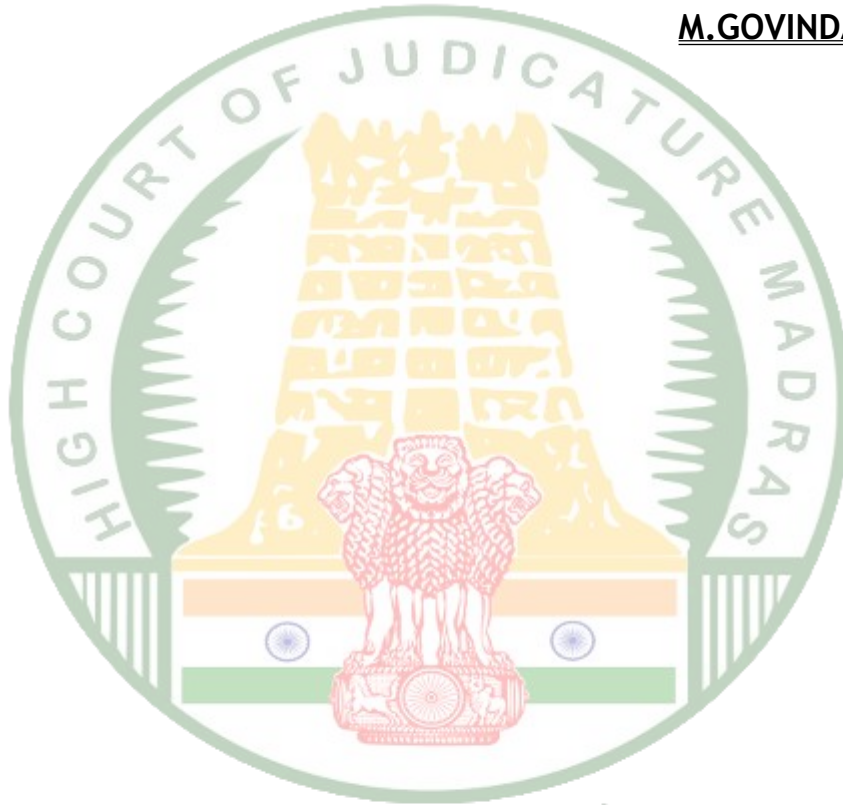
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To

- 1) The Sub-Court, Gobichettipalayam,
Erode District.
- 2) The Family Court,
Chennai.

M.GOVINDARAJ, J.

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