

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR CMP NO.443 of 2017
AND CMP NO.9078 of 2017

K.Kaleeswari

... Petitioner

versus

A.Amarnath

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the H.M.O.P No.155 of 2017 pending before the Principal Sub-Court, Tirupur to Sub-Court, Dharapuram.

For Petitioner : Mr.A.S.Baalaji
For Respondent : No appearance

ORDER

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The petitioner has filed this transfer petition with a prayer to withdraw the proceedings in H.M.O.P No.155 of 2017 from the file of Principal Sub Court, Tirupur and transfer the same to the file of Sub Court, Dharapuram.

2. Heard the learned counsel for the petitioner. There is no appearance for the respondent.

3. The petitioner is a resident of Dharapuram, Tirupur District. The respondent instituted a proceedings before the Subordinate Judge, Tirupur. According to the petitioner, she is having one year old child and it is very difficult for her to travel to Tirupur along with her child. She has also filed a petition in H.M.O.P No. 87 of 2017 for restitution of conjugal rights, which is pending on the file of Subordinate Court, Dharapuram.

4. 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.

5. Further, 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 The proceedings in H.M.O.P.No.155 of 2017 is withdrawn from the file of Principal Sub Court, Tirupur and is transferred to Sub Court, Dharapuram, to be tried along with H.M.O.P No. 87 of 2017. The Sub Court, Dharapuram, is directed to renumber the Original Petition and proceed in accordance with law.

7. The Transfer Civil Miscellaneous Petition is disposed of accordingly. 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,
Tirupur.
- 2) The Sub Court,
Dharapuram.

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M.GOVINDARAJ, J.

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