

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28 .07.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR CMP NO.463 of 2017
AND CMP NO.9502 of 2017

Rajalakshmi ... Petitioner/Respondent

versus

R.Rathinakumar ... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the case in H.M.O.P No 348 of 2017 on the file of Hon'ble Sub-Court, Tambaram to the file of the Hon'ble Family Court, Chengalpet to try along with F.C.O.P No. 46 of 2017.

For Petitioner : Mr.A.Arumugam

For Respondent : Ms.A.Manjumatha

ORDER

The petitioner has filed this transfer petition with a prayer to withdraw the proceedings in H.M.O.P No 348 of 2017 from the file of Sub-Court, Tambaram and transfer the same to the file of Family Court, Chengalpet.

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 Chengalpet. The respondent instituted proceedings before the Sub Court Tambaram, seeking divorce. According to the petitioner, it is very difficult for her to travel to Tambaram, for the purpose of defending the proceedings in H.M.O.P.No.348 of 2017. Further, she has filed a petition in F.C.O.P.No.46 of 2017 before the Family Court, Chengalpattu, for restitution of conjugal rights.

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. Therefore, this Court is of the view that the transfer petition deserves to be allowed.

6. The proceedings in H.M.O.P.No.348 of 2017 is withdrawn from the file of Sub-Court Tambaram and is transferred to the file of Family Court, Chengalpet, to be tried along with F.C.O.P.No.46 of 2017.

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

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

bsm/tk

To

- 1) The Sub Judge,
The Sub-Court,
Tambaram.
- 2) The Judge,
The Family Court,
Chengalpet.

+1cc to Mr.A.Arumugam, Advocate, S.R.No.53922

VGI (CO)
CS/29/08/17

TR CMP NO.463 of 2017
AND CMP NO.9502 of 2017