

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR CMP NO.788 of 2016
AND CMP NO.20016 of 2017

Celine Preetha

... Petitioner

versus

Maria Dominic Raj

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the above OS.No. 39 of 2016 filed by the respondent before the Family Court, Puducherry to the Sub Court, Tambaram.

For Petitioner : Mr.R.Krishnamoorthy

For Respondent : Mr.V.Balamurugane

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ORDER

The petitioner has filed this transfer petition with a prayer to withdraw O.S.No.39 of 2016 from the file of Family Court,

Puducherry and transfer the same to the file of Sub-Court, Tambaram.

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 Kandanchavadi, Chennai. The respondent instituted a proceedings for divorce before the Family Court, Puducherry. According to the petitioner, she is residing at Chennai and as such, it would not be possible for her to travel to Puducherry, for the purpose of defending the proceedings in OS No.39 of 2016.

4. 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.

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. Considering the physical inconvenience caused to the petitioner, this Court is of the view that

the transfer petition deserves to be allowed.

6. Considering the physical inconvenience caused to the petitioner, the proceedings in O.S.No.39 of 2016 is withdrawn from the file of Family Court, Puducherry and is transferred to the file of Sub Court, Tambaram, for disposal on merits.

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 Family Court,
Puducherry.
- 2) The Sub Court,
Tambaram .

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M.GOVINDARAJ, J.

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