

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.231 of 2016
and
CMP.No.6454 of 2016

B.Srimathy ... Petitioner

versus

S.Suresh Kumar ... Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the the HMOP No.8 of 2016 on the file of II Additional Subordinate Judge, Coimbatore and transfer the same to Family Court, Salem or any other court.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.M.R.Kuyilan

O R D E R

The respondent initiated proceedings in HMOP.No.8 of 2016 before the II Additional Subordinate Court at Coimbatore, invoking Section 9 of the Hindu Marriage Act. The petitioner, who is a resident of Salem, has come up with this petition for transfer.

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 Salem. According to the petitioner, it would not be possible for her to appear before the II Additional Subordinate Court at Coimbatore for the purpose of defending the proceedings in HMOP No.8 of 2016. There is nothing on record to suspect the bonafides in filing this transfer petition.

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 given sufficient reason, justifying her request for transfer of the proceedings. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceedings in HMOP No.8 of 2016 is withdrawn from the file of II Additional Subordinate Court at Coimbatore and is transferred to the file of Family Court, Salem for disposal on merits.

7. The respondent is given liberty to file an application before the Family Court at Salem to dispense with his personal appearance on the normal dates of hearing, subject to the condition that he would appear on all the effective dates of hearing and he would cooperate for early disposal of the matter. In case any such application is filed, the same shall be considered and disposed of by the learned Trial Judge, taking into account the pre-occupation of the respondent at Coimbatore.

8. There shall be a further direction to the learned trial Judge to refer the matter to the Mediation Centre, in the light of the stand taken by the respondent that there is a possibility of settlement. The question of taking the matter for trial would arise only in case there is no settlement among the parties.

9. The Transfer CMP is allowed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ajr

To

1. The II Additional Subordinate Judge,
Coimbatore.

2. The Judge,
Family Court,
Salem.

+1cc to Mr.R.Nalliyappan, Advocate, S.R.No.61345

Transfer CMP No.231 of 2016

GR(CO)

CA(24/11/2016)

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