



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

Tr.C.M.P.No.47 of 2014
and M.P.No.1 of 2014

Marikannu

... Petitioner

vs.

Sankar

... Respondent.

Transfer petition has been filed to transfer the case in H.M.O.P.No.85 of 2012 on the file of the Additional Sub Court, Udumalaipettai to the Family Court, Trichy. (prayer amended as per order dated 27.10.2014 made in M.P.No.2 of 2014.)

For petitioner : No appearance

For respondent : No appearance

ORDER

There is no representation for both sides.

2. The petitioner is the wife. She sought to transfer H.M.O.P.No.85 of 2012 pending on the file of the Additional Sub Court, Udumalaipettai to the file of Family Court, Trichy. H.M.O.P.No.85 of 2012 is filed by the respondent husband for divorce.

3. The petitioner wife already filed M.C.No.153 of 2012 for maintenance before the learned Chief Judicial Magistrate, Trichy and the same was transferred to the file of Family Court, Trichy and renumbered as M.C.No.117 of 2014. A report dated 27.8.2014 in D.No.3958 is sent by the learned Chief Judicial Magistrate, Trichy to this Registry in this regard.

4. In view of Section 19 of the Hindu Marriage Act, H.M.O.P. has to be tried at the place where the wife resides. Hence, I am of the view, H.M.O.P.No.85 of 2012 has to be transferred to the file of Family Court, Trichy, to be tried along with M.C.No.117 of 2014, if H.M.O.P.No.85 of 2012 is still pending.



5. In the result, the transfer CMP is disposed of, with a direction to the learned Additional Sub Judge, Udumalaipettai to transfer the petition in H.M.O.P.No.85 of 2012 pending on his file to the file of Family Court, Trichy, to be tried along with M.C.No.117 of 2014, if H.M.O.P.No.85 of 2012 is still pending. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

sbi

To

- 1.The Additional Sub Judge,
Udumlaipettai.
- 2.The Judge of Family Court,
Trichy.

1 cc to Mr.M.N.Balakrishnan , Advocate Sr.No.44362

Tr.C.M.P.No.47 of 2014

vsn(co)
pmk.4.9.2015