

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2015

CORAM

THE HONOURABLE THIRU JUSTICE D.HARIPARANTHAMAN

Tr.C.M.P.No.680 of 2014 &
M.P.No.1 of 2014

K.Usha @ Suruthi

... Petitioner

v.

S.Kamalakannan

... Respondent

Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the H.M.O.P.No.464 of 2013 from the file of Subordinate Court, Poonamallee and transfer the same to the file of the I Additional Family Court at Chennai.

For Petitioner : Mr.G.Rajasekarn

For Respondent : Mr.Chidambaram

O R D E R

The petitioner is the wife of the respondent. She filed M.C.No. 409 of 2014 on the file of I Additional Family Court, Chennai for maintenance, while the respondent-husband filed H.M.O.P.No.464 of 2013 on the file of Subordinate Court, Poonamallee for restitution of conjugal rights.

2. The petitioner-wife has filed the above Transfer C.M.P. to withdraw H.M.O.P.No.464 of 2013 from the file of Subordinate Court, Poonamallee and transfer the same to the file of I Additional Family Court, Chennai to be tried along with M.C.No.409 of 2014.

3. The respondent has filed counter affidavit wherein it has been stated that in Family Court, parties have to appear in all the hearing dates and hence, transfer petition could be rejected.

4. Heard both sides.

5. The petitioner resides at Chennai with her minor son and she also filed M.C.No. 409 of 2014 on the file of I Additional Family Court, Chennai for maintenance.

6. Taking note of section 19(iii-a) of the Hindu Marriage Act and also it is well settled law that in the matrimonial dispute, preference should be given to the wife with respect to the place of hearing, I am inclined to transfer H.M.O.P.No.464 of 2013 filed by the husband from Poonamallee to Chennai.

7. Accordingly, a direction is issued to transfer H.M.O.P.No.464 of 2013 from the file of Subordinate Court, Poonamallee and transfer the same to the file of I Additional Family Court at Chennai to be tried along with M.C.No.409 of 2014.

The Transfer C.M.P is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(LA)
dt:29/9/2015

True Copy

Sub-Assistant Registrar

Rj

To

1. The Subordinate Court,
Poonamallee
 2. I Additional Family Court,
Chennai
- +2 cc to Mr.G.Rajasekaran Advocate sr.50337

Tr.C.M.P.No.680 of 2014 &
M.P.No.1 of 2014

aa1/10/2015

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