

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2015

CORAM

The Hon'ble Mr.Justice D.Hariparanthaman

Tr. C.M.PNo.775 of 2014

and

M.P.No.1 of 2014

Banupriya

... Petitioner

Vs.

R.Palanivel

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., with a prayer to withdraw H.M.O.P.No.127 of 2014, from the file of the Principal Sub Court, Mayiladuthurai and to transfer the same to Family Court, Cuddalore.

For Petitioner : Mr.A.Arasu Ganesan

For Respondent : No appearance

ORDER

The petitioner herein is the wife and the respondent is the husband. The respondent/husband filed H.M.O.P.No.127 of 2014 on the file of the Principal Sub Court, Mayiladuthurai, for restitution of conjugal rights. Now, the petitioner has filed the present transfer petition to transfer H.M.O.P.No.127 of 2014 to Family Court, Cuddalore.

2. Heard the learned counsel appearing for the petitioner. Though respondent was served, and his name was also printed in the causelist, he has not chosen to appear either in person or through Counsel.

3. In view of Section 19(iii)(a) of the Hindu Marriage Act, which enunciates that H.M.O.P. can be tried at the place where the wife resides, and considering the law laid down by the Hon'ble Supreme Court that in matrimonial disputes, preference should be given to the convenience of the wife as to the place of hearing, I am of the view that H.M.O.P.No.127 of 2014 filed by the husband/respondent has to be transferred to the file of Family Court, Cuddalore.

4. In the result, the Transfer Civil Miscellaneous Petition is allowed and the Principal Sub Court, Mayiladuthurai is directed to transfer the petition in H.M.O.P.No.127 of 2014, pending on its file to the Family Court, Cuddalore. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

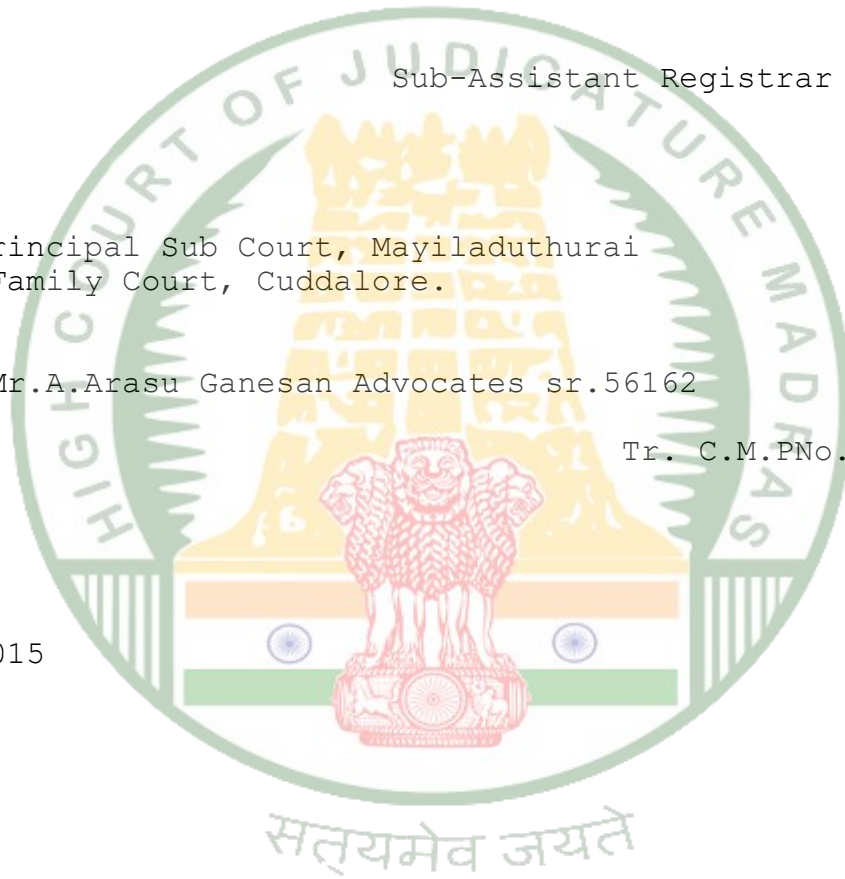
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To

- 1) The Principal Sub Court, Mayiladuthurai
- 2) The Family Court, Cuddalore.

+1 cc to Mr.A.Arasu Ganesan Advocates sr.56162

Tr. C.M.PNo.775 of 2014

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