

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2015

CORAM

THE HON'BLE MR.JUSTICE D.HARIPARANTHAMAN

Tr. C.M.PNo.594 of 2015

and

M.P.No.1 of 2015

R.Kavitha @ Dyck Kavitha ... Petitioner/Respondent

Vs.

Dyck Saravana Selvan ... Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., with a prayer to withdraw M.O.P.No.62 of 2006 from the file of the Family Court, Puducherry, and to transfer the same to Family Court, Chennai.

For Petitioner : Mr.S.Mahimairaj

For Respondent : Mr.T.Dhanya Kumar

ORDER

The petitioner herein is the wife and the respondent is the husband. The respondent/husband filed M.O.P.No.62 of 2006 on the file of the Family Court, Puducherry, for dissolution of marriage. Now, the petitioner has filed the present transfer petition to transfer the said case to Family Court, Chennai.

2. Heard both sides.

3. Though it has been held by the Hon'ble Supreme Court time and again that the convenience of the wife has to be taken into consideration in a Petition filed for transfer of H.M.O.P., and as per Section 19(iii)(a) of the Hindu Marriage Act, H.M.O.P. can be tried at the place, where, the wife resides, considering the facts that i) the Petition for divorce filed by the respondent herein has been pending for the last nine years, ii) the respondent/husband has let in evidence and his evidence was also over; iii) the petitioner/wife entered into box and she has to face cross-examination, and iv) the matter is at the stage of trial, I am not inclined to allow this transfer Petition. However, taking into consideration of the fact that the petitioner/wife is residing at Chennai, a direction is issued to the respondent to pay a sum of Rs.1,500/- towards

travelling expenses for the petitioner/wife to attend the hearing of the case, at Family Court, Puducherry. The Family Court, Puducherry, is directed to dispose of M.O.P.No.62 of 2006, within a period of four months from the date of receipt of a copy of this order. Both the petitioner and the respondent shall co-operate for trial of the case.

4. The Transfer Civil Miscellaneous Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

sd

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

The Family Court,
Puducherry,

+ 1 cc to Mr.Mahimakraj, Advocate SR 55653

+ 1 cc to Mr.T.Dhanyakumar, Advocate SR 55974

vgi(co)
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