

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Tr.CMP.No.760 of 2015  
and MP.No.1 of 2015

S.Swapna

... Petitioner

vs

M.Sridhar

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1906, pleaded to withdraw the case in HMOP.No.142 of 2014 on the file of Sub Judge, Vellore on the file of Sub Judge, Trichy and pass further orders.

For Petitioner : Mr.V.Sukumar  
For Respondent : Mr.K.Govi Ganesan

O R D E R

Petitioner has filed the present petition seeking transfer of HMOP.No.142 of 2014 from the file of learned Sub Judge, Vellore to the file of learned Principal Sub Court, Trichy. The learned counsel for the respondent submitted that subsequent to filing of the transfer petition, the case has been transferred and now pending before the Family Court, Vellore in FCOP.No.89 of 2016.

2.Learned counsel for petitioner submits that respondent/husband has filed H.M.O.P.No.142 of 2014 on the file of Sub Judge, Vellore, seeking divorce, now pending on the file of Family Court, Vellore in FCOP.No.89 of 2016. Submitting that petitioner/wife is residing at Trichy, she has to take care of her child and hence, she finds it difficult to travel to Vellore to attend the hearing of the case, she being mother of three years old child she faces much difficulty to travel between Trichy to Vellore. The petitioner resides at Trichy, the distance is nearly 350kms and she finds very expensive to travel, she has to trouble her father who is aged about 65years and who maintains accounts in shops at Trichy and through whose earning the family has been maintained, learned counsel prays for transfer.

3.Learned counsel for respondent relied on his counter to oppose the petition. The respondents apprehension is that the

petitioner will attack and harass the respondent, if trial is conducted at Trichy. The learned counsel further submits that the respondent's academic career will also be affected, if transfer as prayed for is directed.

4.Considering the inconvenience suffered by the petitioner/wife the principle behind Section 19(iii-a) of the Hindu Marriage Act, permitting a wife to present a petition before a Court within whose jurisdiction she is residing on the date of filing of the petition, this Court directs transfer of FCOP.No.89 of 2016, pending on the file of the Family Court, Vellore to the file of Principal Sub Court, Trichy.

5.The Transfer Civil Miscellaneous Petition is ordered accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Asst.Registrar (CS VII )

/true copy/

Sub Asst. Registrar

To

1.The Family Court Judge,  
Sub Judge, Vellore.

2.The Principal Sub Judge, Trichy.

+1 cc to Mr.V.Sukumar, advocate,sr.43626

+1 cc to Mr.K.Goviganesan,advocate,sr.43809.

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