

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.04.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

Tr.C.M.P.No.923 of 2015

and M.P.No.1 of 2015

S.T.B.Rekka Nivethitha

... Petitioner

Vs.

D.Nagendran

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. to withdraw H.M.O.P.No.187 of 2014 on the file of the learned Subordinate Judge, Mettur, Salem District and to transfer the same to the learned Second Additional Subordinate Judge, Coimbatore District to try the said H.M.O.P along with H.M.O.P.No.34 of 2015 on the file of the learned Second Additional Subordinate Judge, Coimbatore.

For Petitioner : Mr.R.Saseetharan

For Respondent : Mr.N.Sampath

O R D E R

Respondent has entered appearance through counsel. The arguments advanced on both sides are heard.

2. This is a petition filed under Section of 24 of C.P.C. for the transfer of H.M.O.P.No.187 of 2014 filed by the respondent herein on the file of the Subordinate Judge, Mettur, Salem District to the file of Second Additional Subordinate Judge, Coimbatore to be tried along with H.M.O.P.No.34 of 2015 filed by the petitioner herein in the said Court.

3. Petitioner is the wife and the respondent is the husband. The respondent-husband filed H.M.O.P.No.187 of 2014 for dissolution of marriage. The petitioner (wife) who is in Coimbatore, pleads inconvenience to go to Salem to resist the case. The said reason has not been seriously disputed by the respondent. This Court does not find any lack of bonafide in such a prayer for transfer. Moreover, after the introduction of Section 19[iii-a] of the Hindu Marriage Act, 1955, when the wife

comes forward with such a prayer for transfer of the H.M.O.P. to her place of residence, it must be liberally considered. If such a liberal consideration is made, this Court has to give a finding in this petition in favour of the petitioner herein regarding the prayer for transfer of the divorce petition filed by the husband to the Court in which, the Original Petition filed by the wife is pending for restitution of conjugal rights.

5. For all the reasons stated above, the transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No.187 of 2014 pending on the file of the Subordinate Judge, Mettur, Salem District is withdrawn and transferred to the file of the Second Additional Subordinate Judge, Coimbatore to be tried jointly with H.M.O.P.No.34 of 2014 pending on the file of the said Court. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Judge, Mettur,
Salem District.
2. The Second Additional Subordinate Judge,
Coimbatore.

+1cc to M/S.A.M.Pakianathan, Advocate Sr.21005

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and M.P.No.1 of 2015

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svi (CO)
srg (25/04/2016)