

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2016

CORAM

THE HON'BLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.690 OF 2016
and
C.M.P.No.17893 of 2016

Saranya

... Petitioner

Vs.

M.Pugalenthi

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw the HMOP No.429 of 2016 pending on the file of the Sub Court, Poonamallee and to transfer the same to the file of the Sub Court, Nagapattinam.

For petitioner : Mr.S.Stanley John

For respondent : Mr.R.Rajaramani

O R D E R

The present transfer petition has been filed by the petitioner / wife against the respondent / husband for transfer of HMOP No.429 of 2016 pending on the file of the Sub Court, Poonamallee to the file of the Sub Court, Nagapattinam.

2. Admittedly, the respondent/husband has filed HMOP No.429 of 2016 before the Sub Court, at Poonamallee against the petitioner/wife under Section 13(1)(i)(a) of the Hindu Marriage Act, 1955 seeking dissolution of the marriage.

3. In para No.5 of the affidavit in support of the petition for transfer, it is stated that the petitioner/wife has filed a petition under Domestic Violence Act against the respondent/husband before the Magistrate Court at Vedaranyam and being aggrieved by the same and to harass her, he has preferred the above petition before the Sub Court, Poonamallee. It is further stated that she is having an one year old baby and it will be difficult for her to attend each and every hearing before the Sub Court at Poonamallee. Further according to her,

the respondent/husband is attending the hearings at Vedaranyam and if the petition filed by the respondent/husband also is transferred to the said Court, it will be easier for both of them.

4. Whereas the respondent/husband has objected for transferring the matrimonial proceedings to the Sub Court at Vedaranyam.

5. However, considering the facts and circumstances of the case and in the interest of justice, HMOP No.429 of 2016 filed by the respondent/husband before the Sub Court, Poonamallee is withdrawn and is ordered to be transferred to the Sub Court, Mannargudi. The Court below is directed to transmit all the papers pertaining to the above petition immediately to the Sub Court at Mannargudi, after receipt of a copy of this order.

6. The transfer petition is ordered accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vj2

To

1. The Subordinate Judge, Poonamallee
2. The Subordinate Judge, Mannargudi

+1cc to Mr.Stanley John, Advocate, S.R.No.74164
+1cc to Mr.Anna Gandhi, Advocate, S.R.No.73946

LRS (CO)
RS (18/01/2017)

Tr.C.M.P.No.690 of 2016