

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.227 of 2014

and M.P.No.1 of 2014

M. Veni ... Petitioner
vs.
E. Vijayasankar ... Respondent

Prayer:- The Transfer Civil Miscellaneous Petition has filed under Section 24 of C.P.C. praying to withdraw and transfer the case in H.M.O.P.No.647 of 2010 from the Family Court, Coimbatore to the file of Sub Court, Paramakudi, Ramnad District.

For Petitioner : Mr.C.Prakasam

For Respondent : No appearance

O R D E R

The petitioner/wife in a matrimonial proceedings has filed the above Transfer Civil Miscellaneous Petition, seeking to withdraw H.M.O.P.No.647 of 2010, pending on the file of Family Court, Coimbatore and transfer the same to the file of Sub Court, Paramakudi, Ramnad District.

2. The respondent/husband has filed the above H.M.O.P.No.647 of 2010 under Section 9 of Hindu Marriage Act, before the Family Court, Coimbatore for restitution of conjugal rights.

3. The wife is living in paramakudi and the husband is living in Coimbatore. It is stated by the petitioner/wife that the H.M.O.P. No.647 of 2010 is still pending before the Family Court, Coimbatore. She expressed her difficulty in attending the Court hearings at Coimbatore. Hence, the petitioner/wife has come up with the above Tr.C.M.P. seeking transfer of the said H.M.O.P. from Family Court, Coimbatore to Sub Court, Paramakudi.

4. Heard the learned counsel for the petitioner. Though the respondent/husband served with the notice as evidenced by the

private notice, he has not appeared either in person or through counsel.

5. Considering the above facts and circumstances and Section 19(iii-a) of the Hindu Marriage Act, gives preference for the wife in respect of the place where she resides, this Court deems it fit to transfer the said H.M.O.P.No.647 of 2017 pending on the file of Family Court, Coimbatore to the file of Sub Court, Paramakudi.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.647 of 2017, pending on the file of Family Court, Coimbatore shall stand withdrawn and transferred to the file of Subordinate Court, Paramakudi, Ramnad District. Considering the fact that H.M.O.P.No.647 of 2010 is of the year 2010, the Sub Judge, Paramakudi is directed to dispose of the H.M.O.P.No.647 of 2017 as expeditiously as possible. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Judge,
Family Court, Coimbatore.
2. The Subordinate Judge,
Paramakudi, Ramnad District.

+1cc to Mr.C.PRAKASAM Advocate, S.R.No. 75444

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and M.P.No.1 of 2014

NRI (CO)
TR(21/11/2017)

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