

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.10.2017

Coram

THE HON'BLE MRS. JUSTICE PUSHPA SATHYANARAYANANA

Tr.C.M.P.No.446 of 2014  
and M.P.No.1 of 2014

S.Nirmala  
Petitioner

...

Vs.

K.Udhaya Kumar ...Respondent

PRAYER: Transfer Civil Miscellaneous Petition has been filed, praying to withdraw the case in H.M.O.P.No.14 of 2014, from the file of the Sub-Court, Nagapattinam and transfer the same to the Family Court at Chennai.

For Petitioner : M/s.Revathi

For Respondent : No appearance

O R D E R

This Transfer Civil Miscellaneous Petition has been filed by the petitioner to withdraw the case in HMOP.No.14 of 2014, from the file of the Sub-Court, Nagapattinam and transfer the same to the Family Court at Chennai.

2. The petitioner is the wife in a matrimonial dispute. The respondent/husband has filed HMOP No.14 of 2014 on the file of the Sub Court, Nagapattinam for Restitution of Conjugal Rights. It is stated that the wife is living in Chennai. The petitioner also seems to have filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005, now pending before the Judicial Magistrate, Ambattur, in D.V.No.8 of 14, which is said to have been disposed of. The petitioner has expressed her inability to go to Sub Court, Nagapattinam for conducting the case. Hence, she seeks transfer of HMOP.No.14 of 2014 to any of the Family Court at Chennai.

3. The respondent/husband had already been served with a notice, and he is not present either in person or through his counsel, though his name is printed in the cause list. Hence, it is inferred that the respondent/husband has no serious objection

for the transfer of HMOP.No.14 of 2014. As the convenience of the wife is paramount, this Court is inclined to transfer the HMOP.No.14 of 2014 from the file of the Sub Court, Nagapattinam to any of the Family Courts in Chennai by withdrawing the same.

4. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.14 of 2014 pending on the file of the Sub-Court, Nagapattinam is to transfer to any of the Family Court at Chennai. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

raja/rsi

To

1. The Sub Court,  
Nagapattinam.
2. The Family Court,  
Chennai.

+ 1 cc to Mr.N. Rajan, Advocate Sr.73454

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RK(CO)  
EU(20/11/2017)

सत्यमेव जयते

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