

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.116 of 2017
and C.M.P.No.1836 of 2017

S. Madhukumari ..Petitioner

vs.

S. Suryasudharsan ..Respondent

Prayer: This transfer petition has been filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.101 of 2016 pending on the file of Sub Court, Pollachi and transfer the same to be tried along with M.C.No.154 of 2016 pending on the file of Family Court, Coimbatore.

For Petitioner : Mr.J.Pothiraj

For Respondent : Mr.R.Nandakumar

O R D E R

The petitioner/wife in a matrimonial dispute has filed this Transfer Civil Miscellaneous Petition, seeking to withdraw H.M.O.P.No.101 of 2016, pending on the file of Sub Court, Pollachi and transfer the same to the file of Family Court, Coimbatore to be tried along with M.C.No.154 of 2016.

2. The respondent/husband has filed the above H.M.O.P.No.101 of 2016 under Section 12(a)(c) r/w. Sec.5(ii)(b) of the Hindu Marriage Act, before the Sub Judge, Pollachi, for divorce and to declare the marriage solemnized between the petitioner and the respondent as null and void.

3. In paragraph 4 of the affidavit, it is stated that the petitioner/wife is unemployed and is not supported with any income to manage her life. Therefore, she has filed a petition in M.C.No.154 of 2016 under Section 125(1)(A) Cr.P.C., before the Family Judge, Coimbatore for maintenance and the same is also pending. She expressed her difficulty in travelling from Coimbatore to Pollachi to attend every hearing at Sub Court, Pollachi. Hence, the transfer is sought for.

4. Heard the learned counsel for the petitioner as well as learned counsel for the respondent.

5. Considering the averments made in the affidavit and also Section 19(iii-a) of the Hindu Marriage Act, which gives preference for the wife in respect of the place where she

resides, it would be appropriate to transfer H.M.O.P.No.101 of 2016 from the file of Sub Court, Pollachi to the file of Family Court, Coimbatore. However, the learned counsel for the respondent/husband has vehemently opposed the above transfer.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.101 of 2016, pending on the file of Sub Court, Pollachi shall stand withdrawn and transferred to the file of Family Court, Coimbatore to be tried along with M.C.No.154 of 2016. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Sub Judge,
Pollachi.
2. The Judge,
Family Court, Coimbatore.

+ 1 cc to Mr. N. Elumalai, Advocate SR.77400

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SSI (CO)
EU(06/12/2017)

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