

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.135 of 2017
and C.M.P.No.2292 of 2017

R. Sridevi ... Petitioner

versus

Murugan ... Respondent

Prayer:- This transfer petition is filed under Section 24 of C.P.C. praying to withdraw F.C.O.P.No.16 of 2017 pending on the file of the Family Court, Vellore and transfer the same to be tried and disposed off jointly along with M.C.No.3 of 2014, pending on the file of Additional Family Court, Cuddalore.

For Petitioner : Mr.B.Harikrishnan
For Respondent : M/s.Pass Associates

O R D E R

This transfer petition is filed by the petitioner/wife, seeking transfer of F.C.O.P.No.16 of 2017, pending on the file of Family Court, Vellore to the file of Additional Family Court, Cuddalore, to be tried along with M.C.No.3 of 2014.

2. The respondent/husband has filed the above F.C.O.P.No.16 of 2017 under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act for dissolution of marriage held between the petitioner and the respondent on 27.01.2000.

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

4. It is stated that the petitioner/wife has filed M.C.No.3 of 2014 on the file of the Additional Family Court, Cuddalore, which is also pending. It is also stated that the respondent/husband had filed Crl.O.P.No.5094 of 2017 before this Court for transferring the same to Family Court, Vellore. However, as on date, no orders have been passed.

5. In paragraph 5 of the affidavit filed in support of the petition, it is stated that the petitioner has no independent income besides expressing difficulty in leaving the school going child. As the hardship of the petitioner would outweigh the hardship, if any, of the respondent, the transfer is sought for.

6. Considering the convenience of the wife and Section 19 (iii-a) of the Hindu Marriage Act, which gives preference for the wife in respect of the place where she resides, this Court is inclined to transfer H.M.O.P.No.16 of 2017, from the file of Family Court, Vellore to the file of Additional Family Court, Cuddalore to be tried along with M.C.No.3 of 2014, which is already pending in Additional Family Court, Cuddalore.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.16 of 2017, pending on the file of Family Court, Vellore shall stand withdrawn and transferred the same to the file of Additional Family Court, Cuddalore to be tried along with M.C.No.3 of 2014. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Judge,
Family Court, Vellore.
2. The Additional Judge,
Family Court, Cuddalore.

+ 1 cc to Mr. B. Harikrishnan, Advocate SR.83874
+ 1 cc to M/s. Pass Associates, Advocate SR.84150

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DR (CS)
EU(13/12/2017)

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