

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.136 of 2017
and
C.M.P.No.2298 of 2017

V.Senthilnayaki ... Petitioner/Petitioner

-Vs-

E.Mathivanan ... Respondent/Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw and transfer the H.M.O.P.No.336 of 2015 pending on the file of Subordinate Court, Tambaram and transfer the same to the Family Court, Coimbatore.

For Petitioner : Mr.S.Chandrasekar

For Respondent : Mr.K.Chozhan

O R D E R

This is the transfer petition filed by the wife for transferring H.M.O.P.No.336 of 2015 filed by the husband for divorce on the file of the Sub Court, Tambaram to the Family Court, Coimbatore.

2. It is stated that earlier, the wife herself has filed H.M.O.P.No.1541 of 2015 for restitution of conjugal rights and also M.C.No.97 of 2015 for maintenance on the file of the Family Court, Coimbatore. On the instructions given by her husband that they would withdraw the respective O.Ps and file a petition by mutual consent, it is stated that the wife has withdrawn the cases filed by her. However, the respondent/husband refused to withdraw the divorce petition filed by him. It is also stated that originally he had assured to pay a sum of Rs.15,000/- per month towards maintenance. Even, the said amount has not been paid by him. There is also a child born out of the wedlock, who is now ten years old and the wife is taking care of his educational and other expenses. In the above circumstances, the petitioner finds it difficult to travel to Sub Court, Tambaram

for each hearing. Hence, she has sought for transfer of the case to any of the Family Court, Coimbatore.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. In view of Section 19 (iii-a) of the Hindu Marriage Act, H.M.O.P. may be tried at the place where the wife resides. In the matrimonial disputes, preference should be given to the convenience of the wife as to the place of hearing. Hence, I am of the view that H.M.O.P.No.336 of 2015 pending on the file of the Subordinate Court, Tambaram has to be transferred to the file of Family Court, Coimbatore.

5. Taking into consideration the above facts and the grievances expressed by the petitioner, the Tr.C.M.P. is ordered and H.M.O.P.No.336 of 2015 pending on the file of the Subordinate Court, Tambaram shall stand withdrawn and transferred to the Family Court, Coimbatore. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Subordinate Judge,
Tambaram.
2. The Judge,
Family Court,
Coimbatore.

+1cc to Mr.S.Chandrasekar, Advocate, S.R.No.72263

Tr.C.M.P.No.136 of 2017
and
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RSI (CO)
CA(13/11/2017)