

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.170 of 2017
and C.M.P.No.3121 of 2017

Thirupurasundari

... Petitioner

vs.

SayEEKumar

... Respondent

Prayer: This transfer petition has been filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.157 of 2016 pending before the Principal Sub Judge, Mayiladuthurai and to transfer the same to the Principal Sub Court, Cuddalore.

For Petitioner : Mr.V.Balamurugane
For Respondent : Sd - No appearance

O R D E R

The petitioner/wife has filed the above transfer petition, seeking transfer of H.M.O.P.No.157 of 2016 pending on the file of Principal Sub Court, Mayiladuthurai filed by the respondent/husband under Section 9 of the Hindu Marriage Act for restitution of conjugal rights to the file of Principal Sub Court, Cuddalore to be tried along with H.M.O.P.No.225 of 2016 filed by the petitioner/wife under Section 13(1)(i-a) & Section 25 & 27 of Hindu Marriage Act, pending before the Principal Sub Judge, Cuddalore for dissolution of marriage held between the petitioner and the respondent.

2. Heard the learned counsel for the petitioner. Though notice has been served on the respondent and his name is also printed in the cause list, he has not entered appearance either in person or through counsel.

3. It is stated in the affidavit that the wife is permanently residing in Cuddalore along with her parents and that she has been continuously harassed and threatened by the respondent/husband and his family members. Further it is stated that the petitioner has to travel alone to Mayiladuthurai for hearing. Hence, the transfer is sought for.

4. Considering 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.157 of 2016 from the file of Principal Sub Court, Mayiladuthurai to the file of Sub Court, Cuddalore.

5. Accordingly, the transfer civil miscellaneous petition is allowed and H.M.O.P.No.157 of 2016 pending on the file of Principal Sub Court, Mayiladuthurai shall stand withdrawn and transferred to the file of Sub Court, Cuddalore to be tried along with H.M.O.P.No.225 of 2016. No Costs. Consequently, Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Principal Sub Judge,
Mayiladuthurai.
2. The Sub Judge,
Cuddalore.

+1 cc to Mr.V.Blamurugane Advocate sr 83406

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