

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.172 of 2017
and C.M.P.No.3122 of 2017

Deepa

... Petitioner

versus

B. Madhusuthanan

... Respondent

Prayer:- The petition is filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.38 of 2016 on the file of the Sub Court, Rasipuram, Namakkal District and transfer the same to the Family Court, Erode.

For Petitioner : Mr.T.Ganesan

सत्यमेव जयते

ORDER

The petitioner/wife in a matrimonial disputes has filed this transfer Civil Miscellaneous Petition, seeking to withdraw H.M.O.P.No.38 of 2016, pending on the file of Subordinate Court, Rasipuram and transfer the same to the file of Family Court, Erode.

2. The respondent/husband has filed H.M.O.P.No.38 of 2016 under Section 13(1)(i-a) of the Hindu Marriage Act, before the Subordinate Judge, Rasipuram, for dissolution of marriage held between the petitioner and the respondent on 28.06.2007. It is stated that earlier, the petitioner/wife has filed M.C.No.121 of 2014 under Section 125 of Cr.P.C., before the Family Court, Erode for maintenance and was allowed.

3. In the affidavit filed in support of the petition, it is stated that the petitioner/wife is residing in Erode and she is living with her parents along with her children. It is also complained that maintenance, which was ordered was never paid to the petitioner herein. She had no source of income to maintain her children and travel to Sub Court, Rasipuram for the purpose of the case. Hence, she sought for transfer of the H.M.O.P.No.38 of 2016 from Subordinate Court, Rasipuram, Namakkal District to Family Court, Erode.

4. Heard the learned counsel for the petitioner.

5. Considering the convenience 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, this Court is inclined to transfer H.M.O.P.No.38 of 2016, pending on the file of Subordinate Court, Rasipuram, Namakkal District to the file of Family Court, Erode.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed by withdrawing H.M.O.P.No.38 of 2016, from the file of Subordinate Court, Rasipuram, Namakkal District and transferring the same to the file of Family Court, Erode. No Costs. Consequently, connected miscellaneous petition is closed.

15.12.2017

rsi

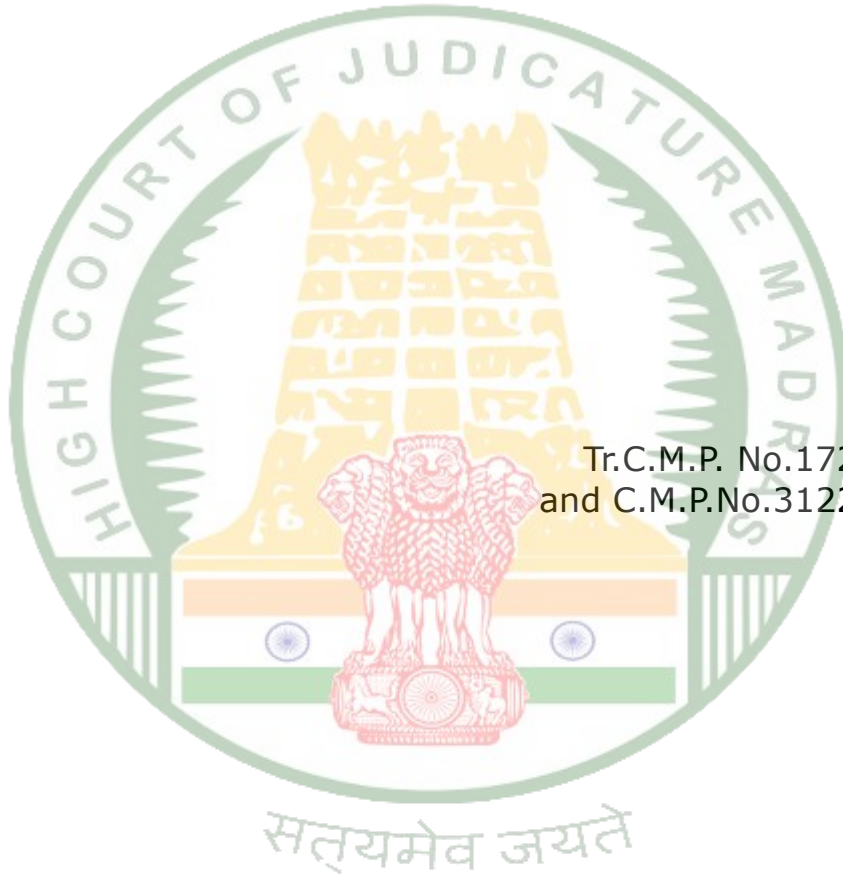
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To

1. The Subordinate Judge,
Rasipuram, Namakkal District.
2. The Family Judge,
Erode.

PUSHPA SATHYANARAYANA, J.

rsi



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