

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.181 of 2017
and C.M.P.No.3233 of 2017

Paduvai Soni Priya

... Petitioner

vs.

Mariya Suresh Kumar

... Respondent

Prayer: This transfer petition has been filed under Section 24 of C.P.C. praying to withdraw O.P.No.357 of 2017 from the files of the Principal Family Court, Chennai and transfer the same to the files of the I Additional District Court, Tirunelveli.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : Mr.R.Bhagawat Krishna

O R D E R

The petitioner/wife has filed this Transfer Civil Miscellaneous Petition, seeking transfer of F.C.O.P.No.357 of 2017, from the file of Principal Family Court, Chennai to the file of I Additional District Court, Tirunelveli

2. The respondent/husband has filed the above F.C.O.P.No.357 of 2017 under Section 32 of Divorce Act, before the Principal Family Court, Chennai, for restitution of conjugal rights.

3. It is sated in the affidavit that the petitioner/wife is a resident of Radhapuram Taluk in Tirunelveli District and it is difficult for her to undertake journey of 12 to 15 hours each time to Chennai, as the matter is pending before the Family Court, Chennai. Besides, the wife has also expressed her financial difficulties to travel to Chennai each time. Hence, she sought for transfer.

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

5. The learned counsel appearing for the respondent/husband stated that it would be convenient for him, if it is transferred to any of the Courts either in Sankarankoil or Thenkasi. It would not be difficult for the respondent to travel from Sankarankoil to Thirunelveli. It is to be noted that the transfer of the H.M.O.P is only to District Court, Thirunelveli, where the appearance of the parties is not mandatory, till the commencement of the trial. Hence, the apprehension of the respondent is rejected.

6. Considering the convenience of the petitioner and the fact that 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 F.C.O.P.No.357 of 2017 from the file of Principal Family Court, Chennai to the file of the District Court, Tirunelveli.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and F.C.O.P.No.357 of 2017, pending on the file of Principal Family Court, Chennai shall stand withdrawn and transferred to the file of District Court, Tirunelveli. No Costs. Consequently, connected miscellaneous petition is closed.

sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

rsi

To

1. The Principal Family Judge,
Chennai.
2. The District Judge,
Tirunelveli.

+ 1 cc to Mr.R.Bhagawat Krishna, Advocate SR.NO.77543

+ 1 cc to Mr.K.Govi Ganesan, Advocate SR.NO.77586

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RK[CO]
RR 27/11/2017



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