

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.200 of 2017
and C.M.P.No.3682 of 2017

V. Lavanya ... Petitioner
vs.
L. Sathish ... Respondent

Prayer: This transfer petition has been filed under Section 24 of C.P.C. praying to withdraw the case pending on the file of the learned Principal Family Court, Coimbatore made in H.M.O.P.No.133 of 2017 and transfer the same to any other appropriate Court at Udumalpet.

For Petitioner : Mr.N.Umapathi ENO

For Respondent : Mr.K.V.Sridharan

O R D E R

The petitioner/wife in the matrimonial dispute has filed this Transfer Civil Miscellaneous Petition, seeking to withdraw H.M.O.P.No.133 of 2017, pending on the file of Principal Family Court, Coimbatore and transfer the same to any other Court at Udumalpet.

2. The respondent/husband has filed the above H.M.O.P.No.133 of 2017 under Section 13(1)(i-a)(i-b) of Hindu Marriage Act, before the Principal Family Court, Coimbatore through Power of Agent, for dissolution of marriage held between the petitioner and the respondent on 31.08.2014.

3. It is sated by the petitioner/wife that the distance between Udumalpet and Coimbatore is about 120 kms and being Family Court, the presence of the parties for each hearing is mandatory. The petitioner is also with her minor child aged about 1 ½ years. She is also said to be employed as Teacher in one of the schools in Udumalpet, whereas, it is stated that the husband is living in Dubai and he is

represented in the Court only by his Power of Agent. Therefore, it would not be difficult for the Power of Agent to appear any of the Courts in Udumalpet.

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

5. Considering the averments made in the affidavit and the arguments advanced by the learned counsel for the petitioner and the respondent 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, this Court is inclined to transfer H.M.O.P.No.133 of 2017 from the file of Principal Family Court, Coimbatore to the file of Sub Court, Udumalpet.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.133 of 2017, pending on the file of Principal Family Court, Coimbatore shall stand withdrawn and transferred to the file of Sub Court, Udumalpet. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

rsi

To

1. The Principal Family Judge,
Coimbatore.

2. The Sub Judge,
Udumalpet.

+ one cc to M/S.N.UMAPATHI, Advocate SR.NO. 77312
+ one cc to MR.K.V.SRIDHARAN, Advocate SR.NO. 77570

RK(CO)
JK 27/11/17

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