

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.236 of 2017
and C.M.P.Nos.4195 & 4196 of 2017

M. Srividya

... Petitioner

versus

R. Govind

... Respondent

Prayer: This transfer petition has been filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.1531 of 2015 pending on the file of the Family Court, Coimbatore and transfer the same to Family Court at Tirunelveli, Tirunelveli District.

For Petitioner : Mr.J.Titus Enock

For Respondent : Mr.S.Mukunth

for M/s.Sarvabhauman Associates

O R D E R

The petitioner/wife in the matrimonial proceedings has filed this transfer petition, seeking to withdraw H.M.O.P.No.1531 of 2015 pending on the file of Family Court, Coimbatore and transfer the same to Family Court, Tirunelveli.

2. The said H.M.O.P.No.1531 of 2015 was filed by the respondent/husband under Section 13(1)(i-a) of the Hindu Marriage Act, before the Family Court, Coimbatore for dissolution of marriage held between the petitioner and the respondent on 23.08.2009. The petitioner/wife has filed D.V.A.No.9 of 2016 under Section 12 of the Protection of Women from Domestic Violence Act for maintenance, which is also pending on the file of Judicial Magistrate No.VII, Coimbatore.

3. The petitioner in her affidavit in paragraph 5 filed in support of the transfer petition states that she is temporarily resided with her elder sister in Coimbatore and later she moved to Tirunelveli to be with her father. As the H.M.O.P.No.1531 of 2015 is filed before the Family Court, where the attendance of the parties is mandatory for each hearing. The wife has pleaded inability to travel about 450 kms from Tirunelveli to Coimbatore for each hearing. Hence, the transfer is sought for.

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

5. Considering the convenience of the parties 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 deems it fit to transfer the said H.M.O.P.No.1531 of 2015, pending on the file of Family Court, Coimbatore to the file of Family Court, Tirunelveli.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.1531 of 2015, pending on the file of Family Court, Coimbatore shall stand withdrawn and transferred to the file of Family Court, Tirunelveli. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

rsi
To

1. The Judge,
Family Court, Coimbatore.
2. The Judge,
Family Court, Tirunelveli.

+1cc to Mr.J.TITUS ENOCK, Advocate, S.R.No. 85054

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GMI (CO)
TR(21/12/2017)

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