

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.250 of 2017
and
C.M.P.No.4555 of 2017

Priya .. Petitioner

-Vs-

G.R.Vel Vijay ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw H.M.O.P.No.50 of 2016 on the file of the Subordinate Court, Attur and transfer the same to the Family Court, Salem to be tried along with F.C.O.P.No.33 of 2017.

For petitioner ... Mr.P.Jagadeesan

For Respondent ... No appearance

O R D E R

The wife has filed the above Transfer Civil Miscellaneous Petition seeking to transfer the H.M.O.P.No.50 of 2016 pending on the file of the Subordinate Court, Attur filed by the husband under Section 13 of the Hindu Marriage Act for divorce, to be tried along with F.C.O.P.No.33 of 2017 pending on the file of the Family Court, Salem filed by the wife under Section 9 of the Hindu Marriage Act for restitution of conjugal rights.

2. In paragraph 5 of the affidavit filed in support of the petition, it is stated that the petitioner-wife has got no income and finding it difficult to maintain herself and her daughter, who is also studying 4th Standard in NSK Vishnavi Matriculation School, Chettychavadi, Salem, the transfer petition has been filed by her.

3. Heard the learned counsel for the petitioner. Though the respondent has been served with notice, he has not appeared in person or through counsel.

4. Considering the above facts and the inconvenience pleaded by the petitioner-wife and also considering the provisions of Section 19 (iii-a) of the Hindu Marriage Act which gives preference for the wife to file a petition in respect of the place where she resides, this Court is inclined to transfer H.M.O.P.No.50 of 2016 on the file of the Sub Court, Attur to the file of the Family Court, Salem, where F.C.O.P.No.33 of 2017 is pending.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.50 of 2016 pending on the file of the Sub Court, Attur shall stand withdrawn and transferred to the file of the Family Court, Salem to be tried along with F.C.O.P.No.33 of 2017. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Sub Judge, Attur
2. The Judge, Family Court, Salem.

+1cc to Mr.P.JAGADEESAN, Advocate, S.R.No. 77753/17

Tr.C.M.P.No.250 of 2017
and

C.M.P.No.4555 of 2017

BR(CO)
TR(23/11/2017)

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