

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.258 of 2017
and
C.M.P.No.4840 of 2017

M.Jenny .. Petitioner

-Vs-

U.Vijayakanth .. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw O.P.No.2836 of 2014 from the file of Principal Family Court, Chennai and to transfer the same to Family Court, Tiruchirappalli.

For petitioner : Mr.P.Babu

For Respondent :No appearance

O R D E R

The Transfer Civil Miscellaneous Petition has been filed by the petitioner-wife seeking to withdraw the O.P.No.2836 of 2014 on the file of the Principal Family Court, Chennai and transfer the same to the file of the Family Court, Trichirapalli.

2. The respondent-husband filed a petition under Section 13 (1) (i-a) of the Hindu Marriage Act before the Principal Family Court, Chennai for dissolution of marriage held between the petitioner and the respondent on 19.06.2013. It is further stated that the petitioner-wife filed a maintenance case before the Family Court, Trichirapalli in M.C.No.18 of 2017 claiming maintenance, which is also pending and the respondent-husband is attending the hearings in the same.

3. It is stated that the petitioner-wife is living in Trichirapalli with her parents. As she is not employed, she has got no income of her own. It is difficult for her to meet her travelling expenses to attend the hearings in Chennai and also to pay the litigation expenses. Hence, she sought for transfer.

4. Heard the learned counsel for the petitioner. Though the respondent is served with notice and his name having been printed in the cause list, there is no representation either in person or through counsel

5. In view of Section 19 (iii-a) of the Hindu Marriage Act, H.M.O.P. may be tried at the place where the wife resides. In the matrimonial disputes, preference should be given to the convenience of the wife as to the place of hearing. Hence, this court of the view that H.M.O.P.No.2836 of 2014 pending on the file of the Principal Family Court, Chennai has to be transferred to the file of Family Court, Tiruchirapalli.

6. Taking into consideration the above facts and the grievances expressed by the petitioner, the Tr.C.M.P. is ordered and H.M.O.P.No.2836 of 2014 pending on the file of the Principal Family Court, Chennai shall stand withdrawn and transferred to the Family Court, Trichirapalli to be tried along with M.C.No.18 of 2017. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

srn

To

- 1.The Principal Judge, Family Court, Chennai
- 2.The Judge, Family Court, Tiruchirappalli.

+1 CC to Mr.P.Babu, Advocate sr 77837.

सत्यमेव जयते

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and

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SAI (CO)
SP(21/11/2017)

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