

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2017

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr.C.M.P.No.607 of 2014
and
M.P.No.1 of 2014

B. Kalaivani

... Petitioner

Vs.

S.Saravana

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw the case bearing H.M.O.P.No.256 of 2013 on the file of the Sub Judge, Poonamallee and transfer the same to the file of the Family Court Judge, Salem.

For Petitioner : Mr.M.R.Jothimanian

For Respondent : Mr.K.N.Pandian

ORDER

Wife is before this Court seeking transfer of H.M.O.P.No.256 of 2013 filed by the respondent/husband under Section 13(1)(ia) of the Hindu Marriage Act for divorce to the file of Family Court, Salem, as the petitioner is residing in Suramangalam, Salem, within the jurisdiction of Family Court, Salem.

2. Heard the learned counsel appearing for the petitioner as well as the learned counsel for the respondent.

3. Since the petitioner is residing in Salem, it is not possible for her to visit Poonamallee to appear before the Sub Court, Poonamallee. The convenience of woman should be taken into consideration while ordering transfer. Even otherwise, as per the statute, the place of residence shall decide the situs of the Court.

4. It has been brought to the notice of this Court that the respondent has filed F.C.O.P.No.160 of 2017 under Section 9 of the Hindu Marriage Act, for restitution of conjugal rights and

the same is pending before the Family Court, Salem. Therefore, the case in H.M.O.P. No. 256 of 2013, pending on the file of Sub Court, Poonamallee, is transferred to the file of Family Court, Salem, to be tried along with F.C.O.P.No.160 of 2017.

5. Accordingly, this Transfer Civil Miscellaneous Petition is ordered. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ms/nv

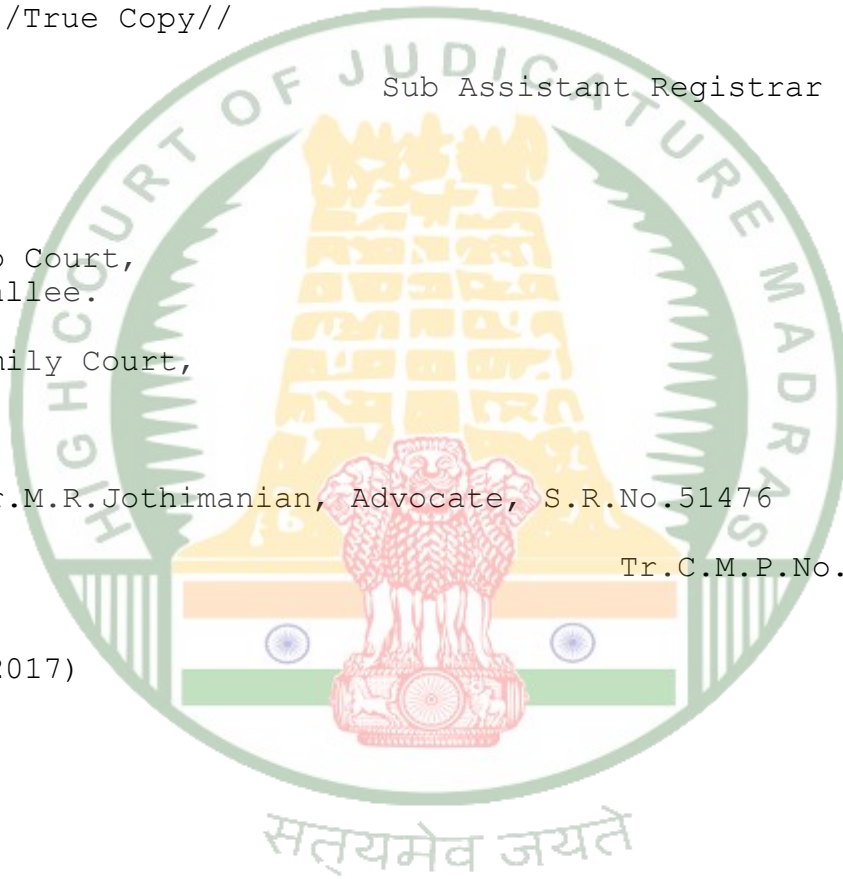
To

1. The Sub Court,
Poonamallee.
2. The Family Court,
Salem.

+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.51476

Tr.C.M.P.No.607 of 2014

CS IV
CA(31/07/2017)



WEB COPY