

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.270 of 2017
and
C.M.P.No.5056 of 2017

Saritha .. Petitioner
-Vs-
Prathapachandran .. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw H.M.O.P.No.23 of 2016 pending on the file of Principal Sub- Court Chengalpet and transfer the same to the Family Court, Chennai.

For petitioner : Mrs.G.Sumitra
For Respondent : No appearance

O R D E R

The wife in a matrimonial dispute has filed this Transfer Civil Miscellaneous Petition seeking transfer of H.M.O.P.No.23 of 2016 pending on the file of the Principal Sub Court, Chengalpet to any of the Family Courts in Chennai.

2. H.M.O.P.No. 23 of 2016 is filed by the respondent-husband under Section 13(i-a) (i-b) of the Hindu Marriage Act on the file of the Principal Subordinate Court, Chengalpet for divorce on the ground of cruelty and desertion.

3. In the affidavit filed in support of the petition, it is stated that the wife is living in Sholinganallur. It would be convenient for her to travel to Family Court, Chennai, instead of travelling all the way to Sub Court, Chengalpet, especially when she has a child. Hence, she seeks for the above transfer of H.M.O.P.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. The respondent-husband has given an address in the O.P, which is in Thiruporur Taluk. The notice through Court sent to him returned "unclaimed". As the notice was taken to the

address given by the respondent himself in his O.P and the same got returned as "unclaimed", the service is deemed to be complete. Hence, his name is printed in the cause list. However, there is no representation for the respondent either in person or through counsel.

6. Considering the grievance expressed by the petitioner and the fact that Section 19(iii-a) of the Hindu Marriage Act, gives preference for the wife for transfer of case to the place where she resides, this Court deems it fit to transfer the said H.M.O.P.No.23 of 2016 pending on the file of the Principal Sub Court, Chengalpet to any of the Family Courts at Chennai.

7. Accordingly, the Tr.C.M.P is allowed and H.M.O.P.No.23 of 2016 pending on the file of the Principal Sub Court, Chengalpet, shall withdrawn and transferred to any of the Family Courts at Chennai. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS V)

// True Copy//

Sub Assistant Registrar

srn

To

1.The Principal Sub Judge,
Chengalpet.

2.The Principal Judge,
Family Court, Chennai.

+1cc to Mr.G.Sumithra, Advocate SR.No.77703

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GN(22/11/2017)

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