IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.627 of 2014

and M.P.No.1 of 2014

M. Shakin ... Petitioner

Vs.

A. Sulaiman ... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw the case in O.S.No.134 of 2014 pending on the file of District Munsif Court, Mettur and transfer the same to District Munsif Court, Ranipet.

For Petitioner : Mr.T.Arockia Dass

For Respondent : Sd-No appearance

O R D E R

The wife is the petitioner in the above Transfer Civil Miscellaneous Petition, seeking transfer of O.S.No.134 of 2014 pending on the file of District Munsif Court, Mettur to the file of District Munsif Court, Ranipet. The husband has filed the suit in O.S.No.134 of 2014 on the file of District Munsif Court, Mettur for the relief of declaration, declaring that Muthalak dated 19.03.2014 is valid in the eye of law. The wife served with the notice and she has also filed vakalat and yet to file her written statement.

2. It is stated that the wife is residing in Ranipet, Vellore District and she is living with her mother. It is stated that, it is difficult for her to travel all the way to Mettur for the purpose of the suit and if it is transferred to Sub Court, Ranipet, it would be easy for her to prosecute the same.

3. Heard the learned counsel for the petitioner. Though the respondent/husband has been served with the notice, he has not cared to represent either in person or through counsel.

4. In the said circumstances, considering the convenience of the wife and 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 is inclined to tranfer O.S.No.134 of 2014 from the file of District Munsif Court, Mettur to

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Principal Munsif Court, Ranipet.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and O.S.No.134 of 2014 pending on the file of District Munsif Court, Mettur shall stand withdrawn and transferred the same to the file of Principal Munsif Court, Ranipet. Since, the material papers are received, the Principal Munsif Court, Ranipet is directed to dispose of O.S.No.134 of 2014 as expeditiously as possible. No Costs. Consequently, connected miscellaneous petition is closed.

Rsi

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The District Munsif,
   Mettur.

2. The Principal District Munsif,
   Ranipet.

+1cc to M/S Dass Law Associates, Advocate Sr.74584

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MSM(CO)
RVR 29/11/2017

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