

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2017

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.303 of 2017

and C.M.P.No.5776 of 2017

D.Radhika ... Petitioner

Vs.

M.Raja ... Respondent

Prayer:- The Transfer Petition filed under Section 24 of Civil Procedure Code praying to withdraw the H.M.O.P. No.196 of 2016 pending on the file of Sub Court, Karur and transfer the same to the Sub Court, Dharapuram.

For Petitioner : Mr.M.Guruprasad

For Respondent : Sd-No appearance

O R D E R

This transfer petition is filed by the petitioner/wife, seeking transfer of H.M.O.P.No.196 of 2016, pending on the file of Sub Court, Karur and transfer the same to the file of Sub Court, Dharapuram.

2. The respondent/husband has filed the above H.M.O.P. No.196 of 2016 under Section 13(1)(i-a) of the Hindu Marriage Act, before the Sub Court, Karur for dissolution of marriage held between the petitioner and the respondent on 20.11.2009. It is stated that the petitioner/wife who is living in Dharapuram has also filed M.C. No. 15 of 2016 and also D.V.A. No. 5 of 2016 on the file of Judicial Magistrate Court, Dharapuram.

3. In the affidavit it is stated that the petitioner/wife is taking care of the two girl children born out of the wedlock. It is stated that she has got no source of income on her own and she is depending on her brothers income and it is difficult for her to travel along with the children to Karur.

4. Heard the learned counsel for the petitioner. Private notice taken by the respondent/husband was served and he has not chosen to appear either in person or through counsel. Hence, it is deemed that he has got no objection for the transfer.

5. Considering the convenience of the petitioner/wife who is living in Dharapuram and in view of the fact that the husband has to travel to Dharapuram for the two matters filed by the wife, it would be appropriate to transfer H.M.O.P. No.196 of 2016 from the file of the Sub Court, Karur to Sub Court Dharapuram.

6. As Section 19(iii-a) of the Hindu Marriage Act, gives preference for the wife in respect to the place where she resides, this Court is inclined to transfer H.M.O.P. No.196 of 2016 from the file of Sub Court, Karur to Sub Court Dharapuram.

7. Accordingly, this Transfer Civil Miscellaneous petition is allowed and H.M.O.P. No.196 of 2016, pending on the file of Sub Court, Karur shall stand withdrawn and transferred to Sub Court Dharapuram. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

msvm/rsi

To

1. The Sub Court,
Karur.

2. The Sub Court,
Dharapuram.

WEB COPY

Tr.C.M.P.No.303 of 2017
and C.M.P.No.5776 of 2017

TR(06/12/2017)