

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.323 of 2017  
and C.M.P.No.6161 of 2017

R.Saranya

.. Petitioner

-Vs-

G.Sivaraj

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw H.M.O.P.No.105 of 2017 pending on the file of the Principal Family Court at Coimbatore, and transfer the same to the Family Court, Cuddalore or to any other appropriate Court in Cuddalore.

For petitioner : Mr.N.Sreenivasalu

For Respondent :No appearance

O R D E R

This transfer petition is filed by the wife in a matrimonial dispute seeking transfer of H.M.O.P.No.105 of 2017 filed by the husband under Section 9 of the Hindu Marriage Act on the file of the Principal Family Court, Coimbatore for restitution of conjugal rights to the file of the Family Court, Cuddalore.

2. In paragraph 5 of the affidavit filed in support of the petition, it is stated that a girl baby was born on 06.05.2016 out of their wedlock and the petitioner-wife is living along with the baby under the shadow of her aged parents. It would be difficult for her to travel from Chidambaram to Coimbatore along with her child to attend each of the hearing, being long distance and very expensive to take a room and to attend the Court and she had to take her father or mother to accompany her. Hence she seeks transfer of the said H.M.O.P.

2. 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 for him either in person or through counsel.

3. Considering the grievance expressed by the petitioner and also as per the provisions of Section 19 (iii-a) of the Hindu Marriage Act which gives preference for the wife to file a petition in respect of the place where she resides, this Court is inclined to transfer H.M.O.P.No.105 of 2017 pending on the file of the Principal Family Court, Coimbatore to the file of the Family Court, Cuddalore.

4. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.105 of 2017 pending on the file of the Principal Family Court, Coimbatore shall stand withdrawn and transferred to the file of the Family Court, Cuddalore. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

To

- 1.The Principal Judge, Family Court, Coimbatore.
- 2.The Judge, Family Court, Cuddalore.

+1cc to Mr.N.SEENIVASALU Advocate, S.R.No.77979

Tr.C.M.P.No.323 of 2017  
and  
C.M.P.No.6161 of 2017

TR(30/11/2017)

सत्यमेव जयते

WEB COPY