

HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2017

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.359 of 2017

and C.M.P.No.7068 of 2017

Abirami

... Petitioner

Vs.

K. Ravindran

... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw and transfer the case F.C.O.P.No.434 of 2016 on the file of the Family Court, Salem to the Subordinate Court, Gobichettipalayam.

For Petitioner : Mr. D.Gopal

For Respondent : Served-No appearance

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw F.C.O.P.No.434 of 2016 filed by the husband pending on the file of the Family Court, Salem and to transfer the same to the file of the Subordinate Court, Gobichettipalayam.

2. F.C.O.P.No.434 of 2016 is filed by the respondent-husband on the file of the Family Court, Salem for dissolution of marriage held between the petitioner and the respondent on 01.06.2014. The petitioner-wife also filed D.V.C.No.4 of 2016 on the file of the Judicial Magistrate Court No.I, Gobichettipalayam seeking relief of returning of the articles, jewels and money given during marriage as dowry and for maintenance and the same is pending

3. Transfer is sought by the petitioner on the ground that the petitioner is now living at Gobichettipalayam along with her baby child as she is taking care of the child. Hence, it is difficult for her to attend each of the hearing before the Family Court at Salem where the presence of the parties is indispensable. Hence, the present petition has been filed.

4. Heard the learned counsel for the petitioner. In spite of notice having been served on the respondent and the name of the respondent having been printed in the cause list, the respondent has not chosen to appear either in person or through counsel.

5. Taking into consideration the above grievance expressed by the petitioner and that Section 19 (iii-a) of the Hindu Marriage Act gives preference for the wife in case of transfer proceedings, this Court deems it fit to transfer the said F.C.O.P.No.434 of 2016 pending on the file of the Family Court, Salem.

6. Accordingly, Tr.C.M.P is allowed and F.C.O.P.No.434 of 2016 pending on the file of the Family Court, Salem shall stand withdrawn and same is transferred to the file of the Subordinate Court, Gobichettipalayam. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/true copy/

Sub Assistant Registrar

srn/rpl

To

1. The Judge, Family Court, Salem.
2. The Subordinate Judge, Gobichettipalayam.

1 cc to M/s. D. Gopal, Advocate, Sr. 72287

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