

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.391 of 2017
and C.M.P.No.7785 of 2017

P.N.Priyadarshini @ Priya ... Petitioner

Versus

H. Rajesh ... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to transfer the H.M.O.P.No.50 of 2016 pending on the file of the learned Subordinate Judge, Tiruttani to the Subordinate Judge at Neyveli.

For Petitioner : Mr.V.Ramana Reddy
For Respondent : Ms.S.R.Sumathy

O R D E R

The petitioner/wife in the matrimonial dispute has filed this Transfer Civil Miscellaneous Petition, seeking to withdraw H.M.O.P.No.50 of 2016, pending on the file of Sub Court, Tiruttani and transfer the same to the file of Sub Court, Neyveli.

2. The respondent/husband has filed the above H.M.O.P.No.50 of 2016 under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act, before the Sub Judge, Tiruttani for dissolution of marriage held between the petitioner and the respondent on 11.08.2010.

3. The wife has stated in paragraph 11 of the affidavit that she is residing with her children at Neyveli along with her parents and the parents are bearing all the expenses for her and children. She has expressed difficulty to travel from Neyveli to Thiruttani for each hearing. The husband seems to be living in Thiruttani in Thiruvallur Taluk. As there is only Sub Court in Neyveli, if the matter is transferred to Sub Court, Neyveli, it will not be difficult for the husband to appear, as his presence is required only at the time of trial and the matter can be represented by an advocate.

4. Heard the learned counsel for the petitioner as well as learned counsel for the respondent.

5. Considering the averments made in the affidavit and also Section 19(iii-a) of the Hindu Marriage Act, gives preference to the wife where she has resides, this Court deems it fit to transfer the H.M.O.P.No.50 of 2016 from the file of Sub Court, Thiruttani to the file of Sub Court, Neyveli.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.50 of 2016, pending on the file of Sub Court, Thiruttani shall stand withdrawn and transferred to the file of Sub Court, Neyveli. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Sub Judge,
Thiruttani.

2. The Sub Judge,
Neyveli.

+1cc to Mr.V.RAMANA REDDY Advocate, S.R.No. 76121/17

+1cc to Mr.S.R.SUMATHY, Advocate, S.R.No. 76410/17

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BR (CO)
TR (29/11/2017)

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