

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.409 of 2017

and

C.M.P.No.8617 of 2017

1.P.Rajalakshmi
2.Minor Selvi.Shivani

...

Petitioners

M.Sankar

...

Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw and transfer O.P.No.279 of 2016 pending on the file of Sub-Court Tambaram to be tried along with M.C.No.137 of 2017 pending on the file of 1st Additional Family Court, Chennai.

For Petitioner : Mr.G.Ravisankar

For Respondents : Mr.T.R.Ravi

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw O.P.No.279 of 2016, filed by the respondent/husband for divorce, before the Subordinate Court Tambaram and transfer the same to the 1st Additional Family Court, Chennai to try along with M.C.137 of 2017 filed by the first petitioner/wife for maintenance.

2. Heard both sides.

3. In the affidavit filed in support of this petition, it is stated that the marriage between the first petitioner and the respondent was solemnized on 07.03.2011 at Chennai and out of the wedlock a female child was born on 10.03.2012. It is further stated that at the time of marriage the respondent was working in United Kingdom and after marriage the first

petitioner also accompanied him to the United Kingdom and she was driven out by the respondent and therefore she came to her parents house at Chennai and residing there. It is further stated that the respondent herein filed O.P.No.279 of 2016, before the Sub Court, Tambaram for divorce. The first petitioner herein filed M.C.No.137 of 2017 before the 1st Additional Family Court, Chennai seeking maintenance. The petitioners pray for transfer of O.P.No.279 of 2016 to the file of I Additional Family Court, Chennai to be tried along with M.C.No.137 of 2017, to minimize the hardship of the petitioners.

4. Considering the facts and circumstances of the case and the fact that Section 19(iii-a) of the Hindu Marriage Act, gives preference for the wife in respect of the place where she resides, this Court deems it fit to transfer the said O.P.No.249 of 2016 pending on the file of Sub Court, Tambaram to the I Additional Family Court, Chennai.

5. Accordingly, this petition is allowed and the proceedings pending in O.P.No.279 of 2016, pending on the file of Sub Court, Tambaram is withdrawn and transferred to the file of First Additional Family Court, Chennai to try along with M.C.No.137 of 2017. No costs. Consequently, the Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

arr
To

1. The Sub Court, Tambaram
2. The First Additional Family Court, Chennai

+1 cc to Mr.T.R.Ravi Advocate sr 83755
+1 cc to Mr.G.Ravishankar Advocate sr 83460

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