

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.41 of 2017
and C.M.P.No.930 of 2017

Muthulakshmi

... Petitioner

vs.

Venkatesh

... Respondent

Prayer: This transfer petition has been filed under Section 24 of C.P.C. praying to withdraw and transfer the petition filed by the respondent herein in H.M.O.P.No.61 of 2016 on the file of the Sub Court at Panruti to the Family Court, Chennai.

For Petitioner : Mr.Ponventhan
for M/s.S.Arunachalam Associates

For Respondent : Mr.K.R.Rameshkumar - No appearance

O R D E R

The petitioner/wife in a matrimonial dispute has filed this Transfer Civil Miscellaneous Petition, seeking to withdraw H.M.O.P.No.61 of 2016, pending on the file of Sub Court, Panruti and transfer the same to any of the Family Courts in Chennai.

2. The respondent/husband has filed the above H.M.O.P.No.61 of 2016 under Section 13(i)(a) of the Hindu Marriage Act, before the Sub Judge, Panruti, for dissolution of marriage solemnized between the petitioner and the respondent on 19.01.2000.

3. It is stated that the petitioner/wife is living in Chennai and the respondent/husband is also living in Chennai, though he has filed the O.P. in Panruti. The petitioner is also having custody of the minor child born out of their wedlock. The respondent/husband is said to be running a Travel Agency and Transport contract business in Chennai. The wife is also employed as an Assistant in the Corporation of Chennai. Therefore, it will be difficult for her to move out of Chennai for each hearing at Panruti, which is 160 kms away from Chennai. Hence, the wife has filed the above transfer petition.

4. Heard the learned counsel for the petitioner.

5. Though the respondent served with notice and his name having been printed in the cause list, he has not entered appearance on 31.10.2017 either in person or through counsel. Hence, it was posted 'for orders' today. Even today (i.e.01.11.2017), there is no representation for the respondent.

6. Considering the averments made in the affidavit and also Section 19(iii-a) of the Hindu Marriage Act, which gives preference for the wife in respect of the place where she resides, it would be appropriate to transfer H.M.O.P.No.41 of 2017 from the file of Sub Court, Panruti to the file of Family Court, Chennai.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.41 of 2017, pending on the file of Sub Court, Panruti shall stand withdrawn and transferred to the file of Family Court, Chennai. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Subordinate Judge,
Panruti.

2. The Judge,
Family Court, Chennai.

+1 cc to Mr.S.Arunachalam Advocate sr 77720

Tr.C.M.P.No.41 of 2017
and C.M.P.No.930 of 2017

sai(co)
aa04/12/2017