

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.415 of 2017

and

C.M.P.No.8684 of 2017

Srivalli

... Petitioner

Versus

D.Karthikeyan

... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the O.P.No.490 of 2017 pending on the file of the learned Additional Family Court Judge, Coimbatore and to transfer the same to the Family Court at Chennai.

For Petitioner : Ms.S.T.P.Kuilmozhi

For Respondents: Mr.K.Venkatasubban

for Ms.Sarvabhauman Associates

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw O.P.No.490 of 2017 pending on the file of the Additional Family Court, Coimbatore and transfer the same to the Family Court, Chennai.

2.In the affidavit filed in support of this petition, it is stated that the marriage between the petitioner and the respondent was solemnized on 17.09.2015 and out of the wedlock a male child was born to them on 01.07.2016. It is further stated that the misunderstanding arose between them and the petitioner left the matrimonial home and now living with her parents. The respondent has filed O.P.No.490 of 2017 on the file of Additional Family Court, Coimbatore seeking divorce. It is stated by the petitioner that it would be difficult for her to travel from Chennai to Coimbatore along with her child to attend each and every hearing before the Family Court, Coimbatore. Hence, she filed this Transfer Civil Petition seeking for transfer of the O.P.No.409 of 2017 from the file of Additional Family Court, Coimbatore to the Family Court at Chennai.

3. Heard both sides.

4. The learned counsel for the respondent states that since the respondent/husband was employed in Coimbatore, it would be difficult for him to travel and appear before the Family Court, Chennai, where the appearance of parties are mandatory. However, both the counsels agreed that the matter may be transferred to Subordinate Court, Tambaram, where the parties can represent through counsel.

5. Considering the submissions made by the learned counsel appearing on either side 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.490 of 2017 pending on the file of Additional Family Court, Coimbatore to the Subordinate Court, Tambaram.

6. Accordingly, this petition is allowed and the proceedings pending in O.P.No.490 of 2017, pending on the file of Additional Family Court, Coimbatore is withdrawn and transferred to the Subordinate Court, Tambaram. However, it is made clear that the presence of the parties may be dispensed with, till the commencement of trial, unless otherwise warranted. No costs. Consequently, the Miscellaneous Petition is closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

arr
To

1. The Additional Judge Family Court, Coimbatore
2. The Subordinate Judge, Tambaram.

+1 CC to Ms.S.T.P. Kuilmozhi, Advocate sr 83452.

+1 CC to Ms. Sarvabhuman Associates sr 83393.

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GJII (CO)
SP(13/12/2017)