

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.430 of 2017

and C.M.P.No.8884 of 2017

Lakshmi

... Petitioner

Vs.

Dhandapani

.... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.19 of 2015 along with Interlocutory Application on the file of Sub Court at Gingee and transfer the same to any one Family Courts at Chennai for preventing appearance of the petitioner before the Sub Court, Gingee.

For Petitioner : Mr.T.Ravichandran

For Respondent : Mr.K.Pravinkumar - No appearance

O R D E R

The wife in a matrimonial proceedings has filed the above transfer Civil Miscellaneous Petition seeking to withdraw H.M.O.P.No.19 of 2015 along with Interlocutory Application, pending on the file of Sub Court, Gingee and transfer the same to any of the Family Courts in Chennai. The husband has filed the above H.M.O.P.No.19 of 2015 under Section 13(1)(a) of Hindu Marriage Act, before the Sub Court, Gingee for divorce.

2. The wife has stated that, her father who was supporting her died after the marriage and she has moved to Chennai and is living in Chennai. The wife also states that, she has filed an Interlocutory Application under Section 24 of the Hindu Marriage Act for maintenance, which is also pending in Sub Court, Gingee, without any orders being passed. The further allegation of the petitioner is that the respondent is acting high handedly and threatening her not to attend the Court hearings. The petitioner has stated that, she has now moved to Chennai and she is also jobless.

3. Considering the above facts and circumstances 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 H.M.O.P.No.19 of 2015 pending on the file of Sub Court, Gingee. The petitioner has furnished her address in Porur. Though she has asked for transfer to any of the Family Courts at Chennai, this Court is transferring the same to Sub Court, Poonamallee.

4. Accordingly, the Transfer Civil Miscellaneous Petition is allowed, by withdrawing the H.M.O.P.No.19 of 2015 along with Interlocutory Application from the file of Sub Court, Gingee and transferring the same to the file of Sub Court, Poonamallee. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

/TRUE COPY/

Sub Assistant Registrar

rsi

To

1. The Subordinate Judge,
Gingee.

+1 C.C. to M/S.Ravichandran Advocate SR.No. 73819

Tr.C.M.P. No.430 of 2017
and C.M.P.No.8884 of 2017

MG(CO)

T.R (16/11/2017)

सत्यमेव जयते

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