

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.482 of 2017
and C.M.P.No.9996 of 2017

K. Geetha

... Petitioner

Vs.

A.M. Kumaran

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.30 of 2017 from the Court of Sub Judge, Ranipet and transfer the same to the file of Sub Court of Poonamalle, pending disposal of the above Tr.C.M.P.

For Petitioner : Mr.D.Asenthamani
For Respondent : Mr.V.Rajendran

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.30 of 2017 pending on the file of Sub Court, Ranipet and transfer the same to the file of Sub Court, Poonamalle. The husband has filed the above H.M.O.P.No.30 of 2017 under Section 13(1)(i) of the Hindu Marriage Act before the Sub Court, Ranipet for divorce on the ground of cruelty and desertion.

2. It is stated that the wife is living in Chennai. It is also stated that there are two children, one is mentally challenged and another school going. The wife has expressed her difficulty in travelling from Chennai to Ranipet, leaving her child and going for the hearing. Whereas from the address given, it is evident that the husband is living only in Walajapettai and it could not be difficult for him to travel to Poonamallee, if the said H.M.O.P.No.30 of 2017 is transferred. As stated earlier, one child being mentally challenged, the other child being school going one, the convenience of the wife is paramount in deciding the transfer petition.

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.30 of 2017 pending on the file of the Subordinate Court, Ranipet.

4. Accordingly, the Transfer Civil Miscellaneous Petition is allowed by withdrawing H.M.O.P.No.30 of 2017 pending on the file of Subordinate Court, Ranipet and transferring the same to the file of Subordinate Court, Poonamalle. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

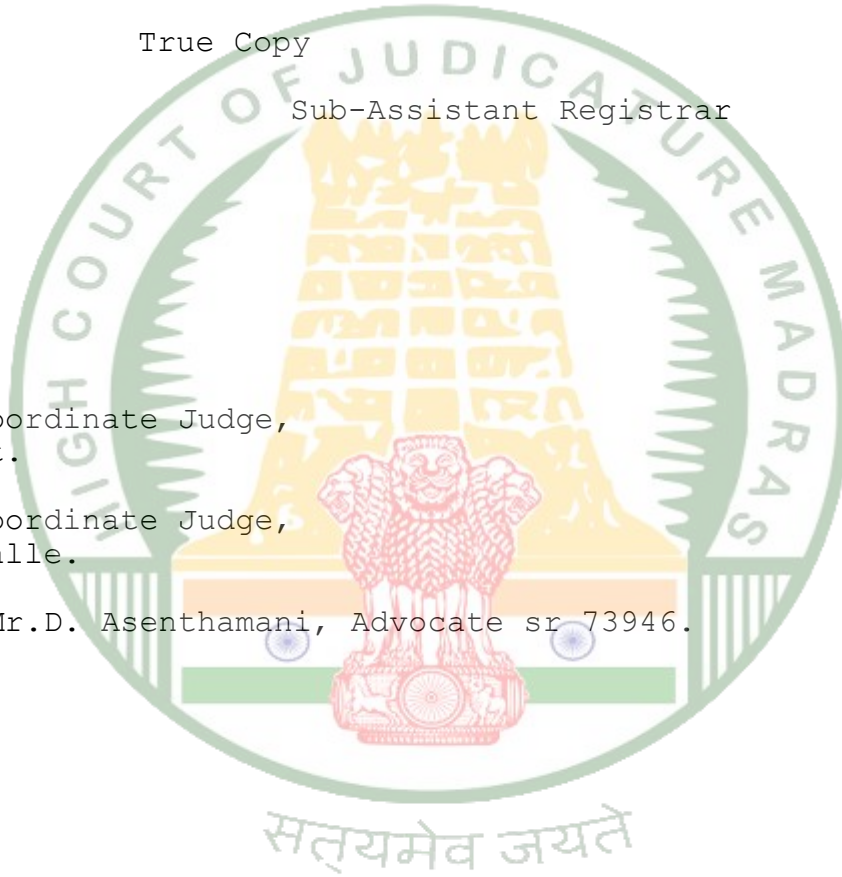
rsi

To

1. The Subordinate Judge,
Ranipet.

2. The Subordinate Judge,
Poonamalle.

+1 cC to Mr.D. Asenthamani, Advocate sr 73946.



Tr.C.M.P. No.482 of 2017
and C.M.P.No.9996 of 2017

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