

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:30.11.2017
CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.489 of 2017
and
C.M.P.No.10118 of 2017

Vijayalakshmi ... Petitioner

Versus

M.Manikandan ... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.50 of 2017 pending on the file of Sub Court, Tambaram and transfer the same to Sub Court, Tiruvannamalai.

For Petitioner : Mr.B.Jawahar
For Respondent : Mr.M.Kalayani

O R D E R

This Transfer Civil Miscellaneous Petition has been filed to withdraw H.M.O.P.No.50 of 2017 pending on the file of Subordinate Court, Tambaram and transfer the same to Subordinate Court, Tiruvannamalai.

2. Heard both sides.

3. In the affidavit filed in support of this petition, it is stated that the marriage between the petitioner and the respondent was solemnized on 05.05.2014 and out of the wedlock a female child was born on 07.06.2015. It is further stated that the respondent left the petitioner in her parental home and refused to take her back and he has filed H.M.O.P.No.50 of 2017 before the Subordinate Court, Tambaram, seeking divorce. The petitioner states that it would be extremely difficult for her to travel from Tiruvannamalai to Tambaram along with her two year old child to attend each and every hearing before the Subordinate Court, Tambaram. Hence, she filed the above Transfer Civil Miscellaneous Petition seeking for the aforesaid relief.

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 H.M.O.P.No.50 of 2017 pending on the file of Subordinate Court, Tambaram to Subordinate Court, Tiruvannamalai.

5. Accordingly, this petition is allowed and the proceedings pending in H.M.O.P.No.50 of 2017, pending on the file of Subordinate Court, Tambaram is withdrawn and transferred to the file of Subordinate Court, Tiruvannamalai. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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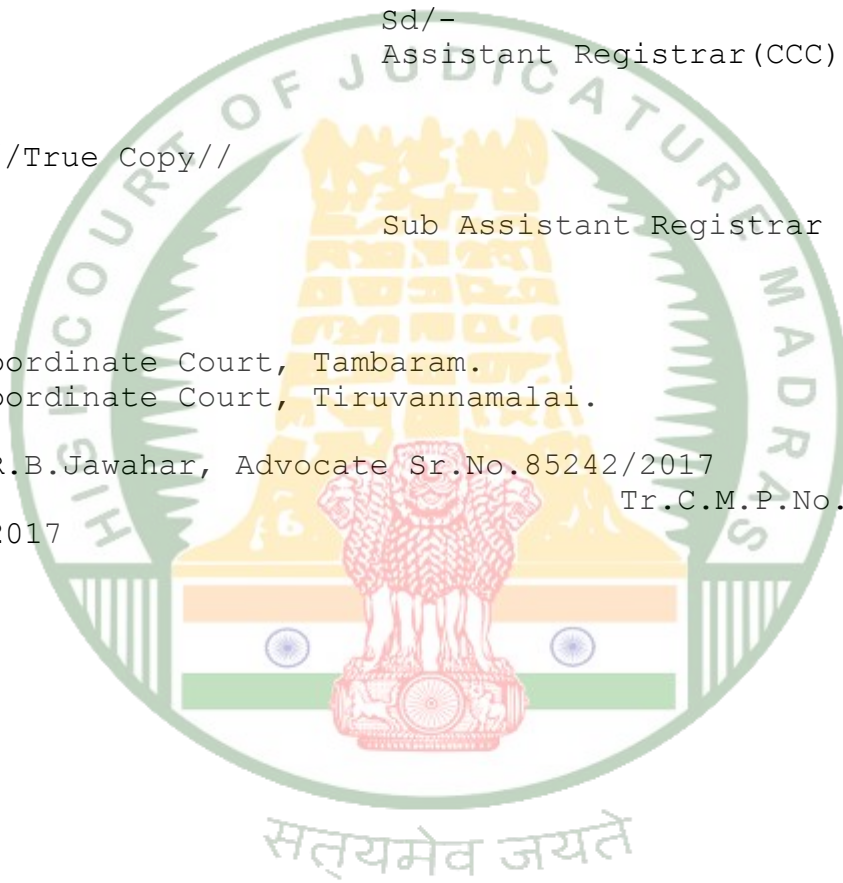
1. The Subordinate Court, Tambaram.

2. The Subordinate Court, Tiruvannamalai.

+lcc to MR.B.Jawahar, Advocate Sr.No.85242/2017

Tr.C.M.P.No.489 of 2017

sm:19.12.2017



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