

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.492 of 2017
and
C.M.P.No.10123 of 2017

Mrs.Sathya ... Petitioner
..Vs..
J.Shankaranathan ... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw HMOP No.27 of 2017 on the file of Sub Court, Poonamallee and transfer the same to any other Sub Court, Trichy District.

For Petitioner : Mr.K.Sannjay
For Respondent : Mr.S.Santhosh

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw HMOP No.27/2017 on the file of Sub Court, Poonamallee and transfer the same to Family Court, Trichy.

2. Heard both sides.

3. In the affidavit filed in support of this petition, it is stated that marriage between the petitioner and the respondent was solemnized on 18.06.2014 and out of their wedlock a female child was born to them on 25.08.2015. It is further stated that due to misunderstanding between them the petitioner was living in her parents home at Trichy. In the meantime, the respondent filed H.M.O.P.No.27/2017, before the Subordinate Court, Poonamallee. It is stated that the petitioner finds it difficult to travel from Trichy to Poonamallee along with her child to attend hearing before the Subordinate Court, Poonamallee and therefore she seeks for transfer of the above proceedings from Subordinate Court, Poonamallee to Subordinate Court, Trichy.

4. Considering the averments made in the affidavit filed in support of this petition 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.27 of 2017 pending on the file of Sub Court, Poonamallee to the Family Court, Trichy.

5. Accordingly, this petition is allowed and the proceedings pending in H.M.O.P.No.27 of 2017, pending on the file of Sub Court, Poonamallee is withdrawn and transferred to the file of Family Court, Trichy. No costs. Consequently, the Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

arr

To

1. The Sub Court, Poonamallee.

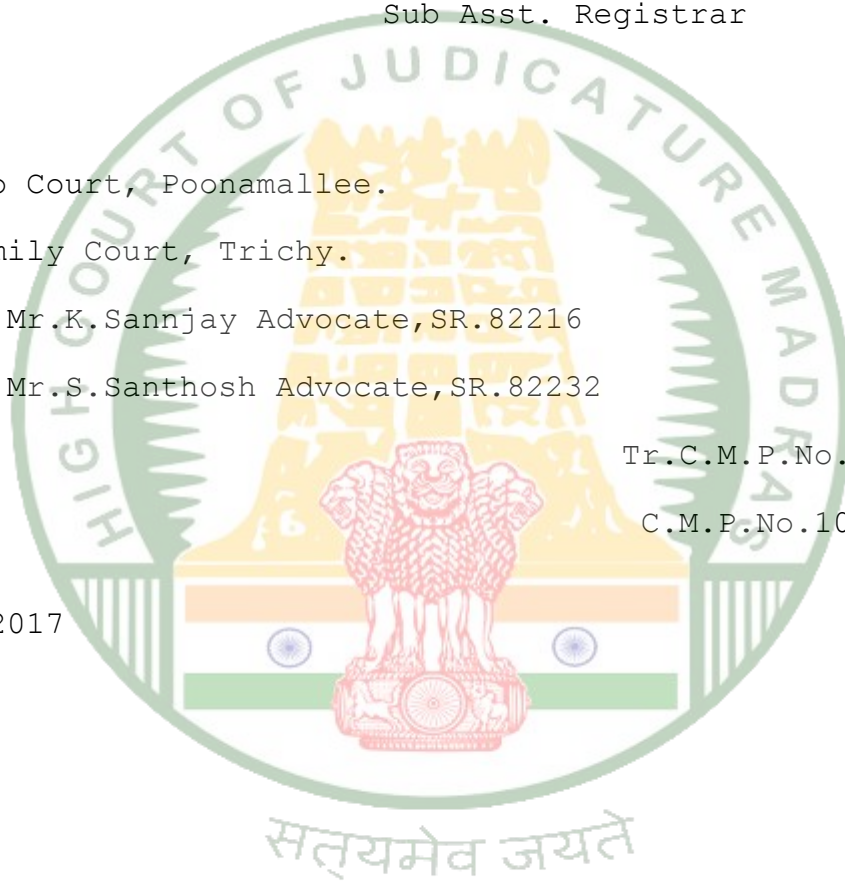
2. The Family Court, Trichy.

+ 1 cc to Mr.K.Sannjay Advocate,SR.82216

+ 1 cc to Mr.S.Santhosh Advocate,SR.82232

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GJII(CO)
NR 21/12/2017



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