

HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2017

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.54 of 2017

and C.M.P.No.1139 of 2017

Rajakumari

... Petitioner

Vs.

K. Raji

... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the case H.M.O.P.No.35 of 2016 pending on the file of the Subordinate Court, Cheyyar and transfer the same to the file of the Principal Subordinate Court, Tindivanam, to be tried along with pending HMOP No.125 of 2016 or any other Court.

For Petitioner : Mr.T.S.Jayachandran

For Respondent : Served-No appearance

O R D E R

The petitioner/wife has filed the above Transfer Civil Miscellaneous Petition seeking to withdraw the H.M.O.P.No.35 of 2016 filed by the husband pending on the file of the Subordinate Court, Cheyyar and transfer the same to the file of the Subordinate Court, Tindivanam filed by the wife to be tried along with H.M.O.P.No.125 of 2016.

2. H.M.O.P.No.35 of 2016 is filed by the respondent-husband on the file of the Subordinate Court, Cheyyar for dissolution of marriage held between the petitioner and the respondent on 12.06.2013. The petitioner-wife also filed H.M.O.P.No.125 of 2016 on the file of the Subordinate Court, Tindivanam for restitution of conjugal rights. The wife also seems to have filed D.V.C.No.1 of 2017 on the file of the Judicial Magistrate, Vanur.

3. It is stated that since the distance between Tindivanam and Cheyyar is about 80 kms, the petitioner is not able to travel to Cheyyar. Furthermore, it is stated that the parents

of the petitioner are aged and are in poor condition, and the parents are coolies and hence, the petitioner could not afford to the travelling expenses between Cheyyar and Tindivanam. The petitioner is feeling difficult to travel from Villupuram to Cheyyar for every Court hearings. It is also stated that the respondent and his parents are trying to compel her to given consent for divorce. Hence, she prays for transfer.

4. Heard the learned counsel for the petitioner. Inspite of notice having been served on the respondent and the name of the respondent having been printed in the cause list, the respondent has not chosen to appear either in person or through counsel.

5. Considering the above facts and circumstances and the fact that Section 19(iii-a) of the Hindu Marriage Act, giving preference for the wife in respect of the matrimonial disputes, this Court deems it fit to transfer the said H.M.O.P.No.35 of 2016 pending on the file of the Subordinate Court, Cheyyar.

6. Accordingly, Tr.C.M.P is allowed and H.M.O.P.No.35 of 2016 pending on the file of the Subordinate Court, Cheyyar shall stand withdrawn and transferred to the file of the Principal Subordinate Court, Tindivanam to be tried along with H.M.O.P.No.125 of 2016. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

srn

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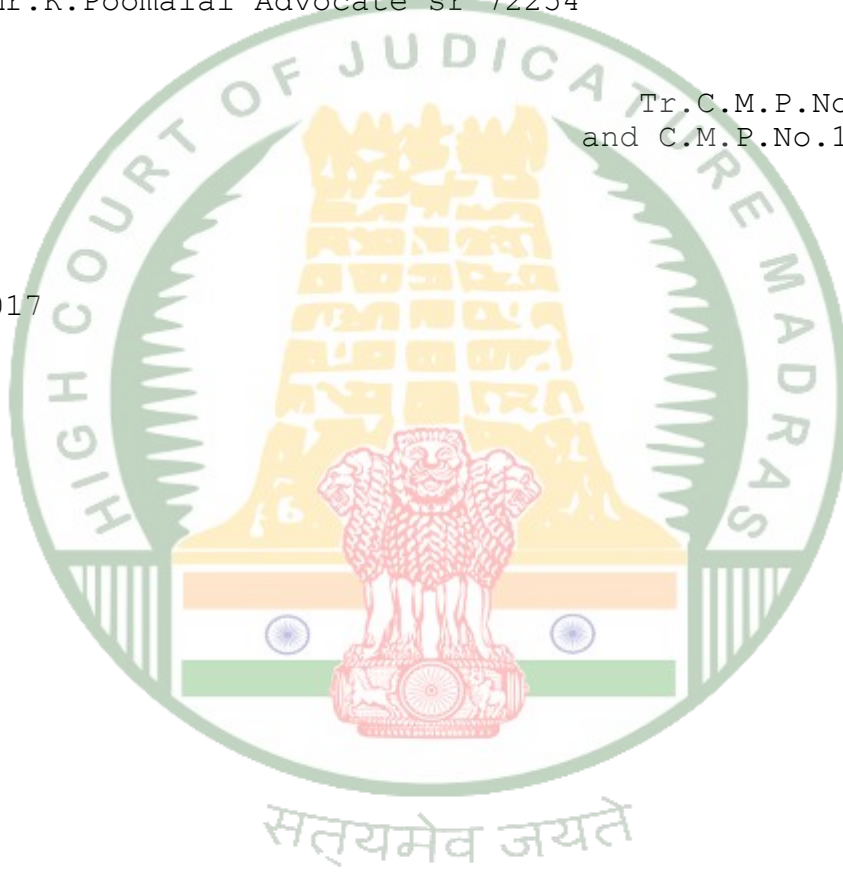
To

1. The Subordinate Judge,
Cheyyar.
2. The Principal Subordinate Judge Tindivanam

+1 cc to Mr.K.Poomalai Advocate sr 72254

Tr.C.M.P.No.54 of 2017
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