

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.543 of 2017

and C.M.P.No.11015 of 2017

Anuradha Gandhiraj ... Petitioner

vs.

Bharath Kulandaivelu ... Respondent

Prayer: The Transfer Civil Miscellaneous Petition has filed under Section 24 of C.P.C. praying to withdraw the petition in F.C.O.P.No.300 of 2015 pending on the file of III Additional Family Court, Chennai and transfer the same to the Family Court at Coimbatore.

For Petitioner : Ms.S.T.P.Kuilmozhi

For Respondent : Ms.A.Arulmozhi

O R D E R

The petitioner/wife in a matrimonial proceedings has filed the above Transfer Civil Miscellaneous Petition, seeking to withdraw F.C.O.P.No.300 of 2015, pending on the file of III Additional Family Court, Chennai and transfer the same to the file of Family Court, Coimbatore.

2. The respondent/husband has filed the above F.C.O.P.No.300 of 2015 under Section 13(1)(i-a) of Hindu Marriage Act, before III Additional Family Court, Chennai, for dissolution of marriage held between the petitioner and the respondent on 23.08.2001.

3. Admittedly, the petitioner/wife was staying in Chennai at the time of filing of the O.P. Subsequently, she has left for Coimbatore with her two children, who are now studying in Coimbatore. It is stated that the wife is residing at Coimbatore with her two sons for the last two years along with her parents. It is difficult for her to travel from Coimbatore to Chennai for each hearing in the Family Court. Hence, the

transfer is sought for.

4. Heard the learned counsel for the petitioner as well as learned counsel for the respondent.

5. Considering the averments made in the affidavit and also Section 19(iii-a) of the Hindu Marriage Act, which gives preference for the wife in respect of the place where she resides, it would be appropriate to transfer F.C.O.P.No.300 of 2015 from the file of Family Court, Chennai to the file of Family Court, Coimbatore.

6. However, learned counsel appearing for the respondent vehemently opposed the same and it is alleged that it is only delaying tactics.

7. Considering the facts and circumstances, without going into the merits of the case, this Court is inclined to transfer F.C.O.P.No.300 of 2015 from the file of Family Court, Chennai to any of the Family Courts in Coimbatore.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and F.C.O.P.No.300 of 2015, pending on the file of III Additional Family Court, Chennai shall stand withdrawn and transferred to Family Court at Coimbatore.

9. The petitioner/wife is directed to file her counter in F.C.O.P.No.300 of 2015 on the next hearing after the transfer, and the Family Judge, Coimbatore is directed to dispose of F.C.O.P.No.300 of 2015 as expeditiously as possible. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The III Additional Judge,
Family Court, Chennai.

2. The Judge, Family Court, Coimbatore.

+1cc to M/s. STP.Kuilmozhi, Advocate SR.No.75036

+1cc to M/s.A.Arulmozhi, Advocate SR.No.74937(21.11.2017)

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SDR 20.11.2017