

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2017

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.566 of 2017
and C.M.P.No.11757 of 2017

Preetha ... Petitioner

Gururaj Vs. ... Respondent

Prayer: The Transfer Petition filed under Section 24 of Civil Procedure Code praying to withdraw the H.M.O.P. No.111 of 2017 pending on the file of II Additional Sub Court, Coimbatore and transfer the same to the Family Court, Salem.

For Petitioner : Mr.D.Shivakumaran
For Respondent : Mr.B.Vijayakumar

O R D E R

The transfer petition is filed by the petitioner/wife, seeking transfer of H.M.O.P. No. 111 of 2017, pending on the file of II Additional Sub Court, Coimbatore to the file of Family Court, Salem. The respondent/husband has filed the above H.M.O.P. under Section 13(1)(ia) of the Hindu Marriage Act for divorce before the II additional Sub Court, Coimbatore.

2. In the affidavit it is stated that the petitioner/wife is living in Salem and notice was also sent to her only in Salem, and the minor child born out of the wedlock is also with the mother. She has expressed difficulty in traveling from Salem to Coimbatore with her minor son.

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

4. The learned counsel appearing for the respondent vehemently opposed that transfer cannot be allowed as the matter is pending only before the Sub Court, Coimbatore, it would be easy for her to prosecute the same through counsel.

5. However, Considering Section 19(iii-a) of the Hindu Marriage Act, which speaks about the convenience of the wife is paramount, this Court is inclined to transfer the H.M.O.P. No. 111 of 2017 from the file of II Additional Sub Court, Coimbatore to the file of Family Court, Salem.

6. The learned Counsel for the respondent requested that the presence of the husband before the Family Court, Salem till the stage of trial may be dispensed with. Considering the said request the presence of the respondent/husband may be dispensed with till the time of trial and he can appear whenever his presence is required by the Court.

7. With the above direction, this Transfer Civil Miscellaneous petition is allowed and H.M.O.P. No. 111 of 2017, pending on the file of II Additional Sub Court, Coimbatore shall stand withdrawn and transferred to the file of Family Court, Salem. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

msvm/rsi
To

1. The II Additional Sub Judge,
Coimbatore.
2. The Judge, Family Court,
Salem.

+ 1 cc to Mr. D. Shivakumaran, Advocate Sr.76522
+ 1 cc to Mr.B. Vijayakumar, Advocate Sr.76786

Tr.C.M.P. No. 566 of 2017

सत्यमेव जयते

and C.M.P. No. 11757 of 2017

CS-IX
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