

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.580 of 2017

and

C.M.P.No.12189 of 2017

V.Jaya

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Petitioner

Versus

D.M.Nagarajan

...

Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the H.M.O.P.No.17 of 2017, pending on the file of Subordinate Judge, Karur to the file of Family Court at Coimbatore.

For Petitioner : Mr.S.Saravanan

For Respondent : Mr.L.Infant Jesus

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the case in H.M.O.P.No.17 of 2017, from the file of Subordinate

Judge, Karur and transfer the same to the file of Family Court, Coimbatore.

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 10.03.2008 and out of the wedlock a male child was born to them on 21.05.2010. Due to misunderstanding between the petitioner and the respondent, the petitioner is staying with her parents along with her son in Coimbatore. In the meantime, the respondent filed H.M.O.P.No.17 of 2017, on the file of Subordinate Court, Karur for divorce. The petitioner states that it would be difficult for her to attend the hearings before the Subordinate Court, Karur along with her minor son. Hence, she filed this petition seeking for the aforesaid relief.

4. The learned counsel for the respondent/husband would state that the husband is living outside the country and it would be difficult for him to appear before the Family Court, for each and every hearing.

5. 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.17 of 2017 pending on the file of Subordinate Court, Karur to the file of Family Court, Coimbatore.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the proceedings pending in H.M.O.P.No.17 of 2017, on the file of Subordinate Court, Karur is withdrawn and transferred to the file of Family Court, Coimbatore. The personal appearance of the respondent/husband before the Family Court, Coimbatore is dispensed with for all the hearings, unless otherwise warranted till the time of trial. No costs. Consequently, connected Miscellaneous Petition is closed.

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PUSHPA SATHYANARAYANA, J

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To

1. The Subordinate Judge, Karur
2. The Family Court, Coimbatore.



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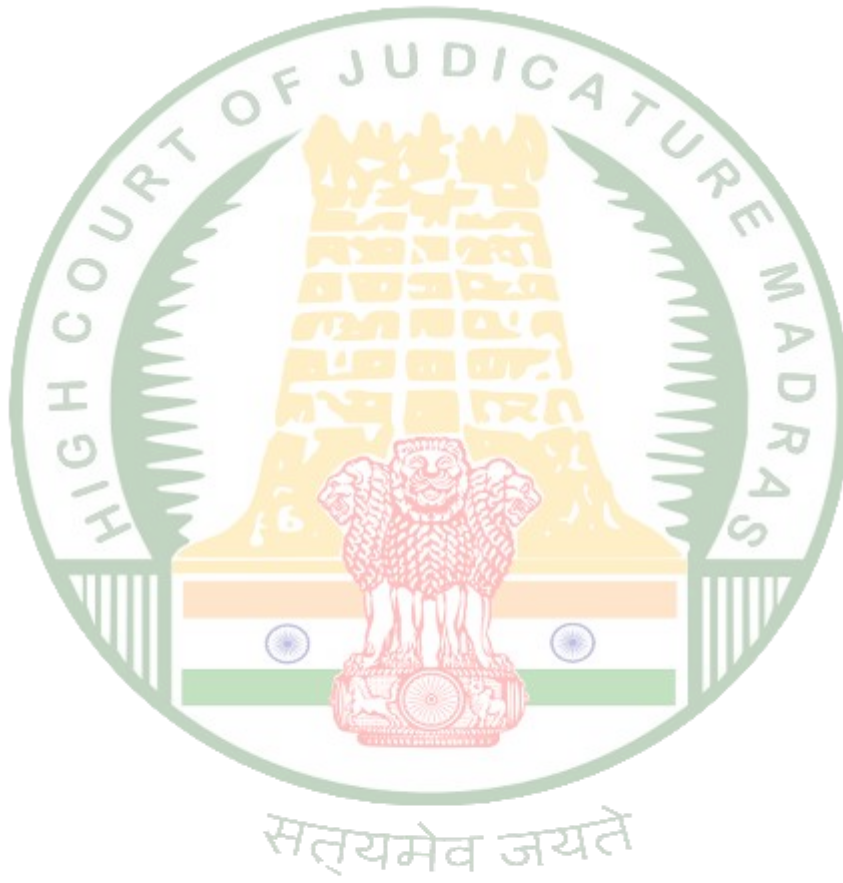
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Tr.C.M.P.No.804 of 2017

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