

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.583 of 2017

and C.M.P.No.12213 of 2017

V.Shankari

... Petitioner

versus

M.Kishore Kumar

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C. praying to withdraw and transfer H.M.O.P.No.97 of 2017 is pending on the file of Subordinate Court at Poonamallee to the file of Subordinate Court at Chengalpattu in H.M.O.P.No.33 of 2017 to try the same together.

For Petitioner : Mr.S.Azhagesan

For Respondent : Mr.C.Jayakumar

O R D E R

The petitioner/wife in a matrimonial dispute has filed this transfer Civil Miscellaneous Petition, seeking to withdraw H.M.O.P.No.97 of 2017, pending on the file of Subordinate Court, Poonamallee and transfer the same to the file of Subordinate Court, Chengalpattu to be tried along with H.M.O.P.No.33 of 2017.

2. The respondent/husband has filed H.M.O.P.No.97 of 2017 under Section 13(1)(i-a) of the Hindu Marriage Act, before the Subordinate Judge, Poonamallee, for dissolution of marriage held between the petitioner and the respondent on 12.06.2013. The petitioner/wife has filed H.M.O.P.No.33 of 2017 under Section 9 of the Hindu Marriage Act, before the Subordinate Judge, Chengalpattu for restitution of conjugal rights.

3. The petitioner/wife has stated in the affidavit filed in support of the petition that she is unemployed and completely depending on her parents for her day to day affairs and it is difficult for her to travel to Sub Court, Poonamallee for each hearing. However, the respondent/husband is already attending the Court hearing in H.M.O.P.No.33 of 2017 filed by the

petitioner/wife before the Sub Court, Chengalpattu. Hence, the transfer is sought for.

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

5. Considering the said circumstances and Section 19(iii-a) of the Hindu Marriage Act, which gives preference for the wife in respect of the place where she resides and also to avoid any conflict in decisions, this Court feels it appropriate to transfer H.M.O.P.No.97 of 2017, pending on the file of Sub Court, Poonamallee to the file of Sub Court, Chengalpattu to be tried along with H.M.O.P.No.33 of 2017, which is already pending.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed by withdrawing H.M.O.P.No.97 of 2017, from the file of Sub Court, Poonamallee and transferring the same to the file of Sub Court, Chengalpattu, to be tried along with H.M.O.P.No.33 of 2017. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

rna/rsi

To

1. The Subordinate Judge,
Poonamallee.
2. The Subordinate Judge,
Chengalpattu.

+1cc to Mr.S.AZHAGESAN, Advocate, S.R.No. 83768

+2cc to Mr.E.SATHIYARAJ, Advocate, S.R.No. 84478

Tr.C.M.P. No.583 of 2017
and C.M.P.No.12213 of 2017

TR(07/12/2017)