

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.661 of 2017
and C.M.P.No.13007 of 2017

T.Sujitha

.. Petitioner

-Vs-

Dr.M.Balaji Ganesh

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw the case in H.M.O.P.No.833 of 2016 pending on the file of of the Family Court, Madurai and transfer the same to the file of the Sub Court, Krishnagiri.

For petitioner ...Ms.R.Premalatha

For Respondent... 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.833 of 2016 filed by the husband pending on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Krishnagiri.

2. The respondent, who is the husband, has filed a divorce petition under Section 13(1) (i-a) and (i-b) of the Hindu Marriage Act on the file of the Family Court, Madurai. While so, the petitioner-wife has also filed H.M.O.P.No.35 of 2017 under Section 10 of the Hindu Marriage Act on the file of the Principal Sub Court, Krishnagiri for Judicial separation.

3. It is stated by the petitioner that she is living along with her aged and ailing parents at Krishnagiri and has a daughter, aged seven years, who is studying in Krishnagiri. The petitioner pleads that the distance between Madurai and Krishnagiri, is about 350 kms. As the petitioner has no known person in Madurai, it would be difficult for her to travel along with her daughter to attend the hearings at Madurai and she could not incur travelling expenses besides, causing mental agony and monetary loss. Hence, she sought for transfer.

4. Heard the learned counsel for the petitioner. Though the respondent is served with notice and his name having been printed in the cause list, there is representation for the respondent either in person or through counsel.

5. Taking into consideration the above grievance expressed by the petitioner and also taking into fact the petitioner is having a minor daughter 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.833 of 2016 from the file of the Family Court, Madurai to the file of the Sub Court, Krishnagiri to be tried along with H.M.O.P.No.35 of 2017.

6. Accordingly, Tr.C.M.P is allowed and H.M.O.P.No.833 of 2016 pending on the file of the Family Court, Madurai shall stand withdrawn and transferred to the file of the Sub Court, Krishnagiri to be tried along with H.M.O.P.No.35 of 2017. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

srn
To

1. The Judge, Family Court, Madurai
2. The Sub Judge, Krishnagiri.

+1cc to Mr.R.PREMALATHA Advocate, S.R.No. 77156

सत्यमेव जयते

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TR(29/11/2017)

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