

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.668 of 2017
and
C.M.P.No.13158 of 2017

Mrs.M.Vijaya Sri ... Petitioner.Respondent

Versus

Naveen ... Respondent/Petitioner

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the H.M.O.P.No.32 of 2017 on the file of the Subordinate Judge, Ranipet and transfer the same to the Subordinate Court, Kumbakonam for enquiry and disposal in accordance with law.

For Petitioner : Ms.T.S.Selva Rani

For Respondent : Ms.R.T.Shyamala

O R D E R

This petition has been filed by the petitioner/wife seeking to withdraw the H.M.O.P.No.32 of 2017, filed by the respondent/husband, from the file of the Subordinate Judge, Ranipet and transfer the same to the Subordinate Court, Kumbakonam .

2. Heard both sides.

3.Earlier, H.M.O.P.No.33 of 2015 was filed by the husband for restitution of conjugal rights before the Subordinate Judge, Ranipet, where the wife remains exparte. Now, the H.M.O.P.No.32/2017 was filed by the husband for divorce, before the Subordinate Court, Ranipet. The wife has given address as Kumbakonam, though the cause of action and the place of residence were all at Chidambaram.

4. The petitioner/wife has pleaded in the affidavit filed in support of this petition that she is living with her aged father and hence she is not in a position to travel all alone to Vellore, which is seven hours from Kumbakonam. Hence, she seeks for transfer for the proceedings pending on the file of Subordinate Judge, Ranipet to the Subordinate Court, Kumbakonam.

5. The learned counsel for the respondent strongly oppose for transfer stating that it would be difficult for the husband also to travel all the way from Vellore to Kumbakonam, if the proceedings are transferred to Kumbakonam.

6. Considering the above facts and circumstances 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.32 of 2017 pending on the file of Subordinate Judge, Ranipet to Subordinate Court, Kumbakonam.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.32 of 2017 pending on the file of Subordinate Judge, Ranipet is withdrawn and transferred to Subordinate Court, Kumbakonam. However, it is made clear that the presence of the husband for each hearing is dispensed with till the commencement of trial. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

vv/arr

To

1. The Subordinate Judge, Ranipet
2. The Subordinate Court, Kumbakonam.

Tr.C.M.P.No.668 of 2017

GJ(CO)
EU(16/12/2017)