

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.795 of 2017
and C.M.P.No.16176 of 2017

Krishnapriya

... Petitioner

Versus

Jayachandran

... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw and transfer H.M.O.P.No.44 of 2017 pending before the Family Court, Villupuram to the Family Court, Pondicherry.

For Petitioner : Mr.D.Srinivasan

For Respondent : Sd-No appearance

O R D E R

The petitioner/wife in the matrimonial dispute has filed this Transfer Civil Miscellaneous Petition, seeking to withdraw H.M.O.P.No.44 of 2017, pending on the file of Family Court, Villupuram and transfer the same to the file of Family Court, Pondicherry.

2. The respondent/husband has filed the above H.M.O.P.No.44 of 2017 under Section 13(1)(i-a) of the Hindu Marriage Act, on the file of Family Court, Villupuram for dissolution of marriage held between the petitioner and the respondent on 09.06.2016. The wife has also filed a petition in M.C.No.41 of 2017 under Section 125(1)(A) of Cr.P.C, on the file of Family Court, Pondicherry for maintenance and is also pending.

3. The wife is living in Pondicherry and the husband is living in Villupuram. As the H.M.O.P.No.44 of 2017 is pending before the Family Court, Villupuram, the petitioner has to appear each hearing at Villupuram. The petitioner has submitted that it is difficult for her to go to Villupuram, as she has a threat to be assaulted by the respondent, if she goes to Villupuram for attending the Court hearing.

4. Heard the learned counsel for the petitioner. Though the respondent served with notice, he has not cared to appear either in person or through counsel.

5. Considering Section 19(iii-a) of the Hindu Marriage Act, which gives importance to the convenience of the wife, this Court is inclined to transfer H.M.O.P.No.44 of 2017 from the file of Family Court, Villupuram to the file of Family Court, Pondicherry.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.44 of 2017, pending on the file of Family Court, Villupuram shall stand withdrawn and transferred to the file of Family Court, Pondicherry to be tried along with M.C.No.41 of 2017. No Costs. Consequently, connected miscellaneous petition is closed.

sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1. The Judge,
Family Court, Villupuram.

2. The Judge,
Family Court, Pondicherry.

+ 1 CC TO M/S.D. Sreenivasan, Advocate sr.76220

सत्यमेव जयते

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RR 27/11/2017