

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.10.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.688 of 2017
and C.M.P.No.13702 of 2017

Umamaheswari

.. Petitioner

-Vs-

C.Chandirasekar

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw the H.M.O.P.No.03 of 2015 pending on the file of the Sub Court, Pollachi and transfer the same to the Sub Court, Udumalpet.

For petitioner ... Mr.A.Sathishkumar
For Respondent ... No Appearance

O R D E R

The petitioner/wife has filed the above Transfer Civil Miscellaneous Petition to withdraw the H.M.O.P.No.03 of 2015 pending on the file of the Sub Court, Pollachi and transfer the same to the file of the Sub Court, Udumalpet.

2. The petitioner/wife has already filed H.M.O.P.No.40 of 2015 before the Sub Court, Udumalpet for restitution of conjugal rights under Section 9 of the Hindu Marriage Act and she has also filed a maintenance case in M.C.No.03 of 2015 on the file of the Judicial Magistrate No.1, Udumalpet and the husband has been attending the hearing. The husband had filed H.M.O.P.No.03 of 2015 under Section 13(i)(i-a)(i-b) of the Hindu Marriage Act for divorce before the Subordinate Court, Pollachi.

3. It is stated in the affidavit filed in support of the petition, she is residing in parents house along with her child at Udumalpet. It is also stated that she was affected by kidney problem and one kidney was removed. Being a kidney patient, it is very difficult for her to appear before the Sub Court at Pollachi, which is too far way from her residence without any moral support and moreover, she has to take care of her minor child. Since the petitioner's parents are aged, they could not

accompany her to attend the Court hearings at Pollachi. Hence, she prays for transfer.

4. Heard the learned counsel for the petitioner. Though the respondent had been served with notice and his name having been printed in the cause list, there is no representation for the petitioner either in person or through counsel.

5. Taking into consideration the above grievances expressed by the petitioner and also taking note of the fact that in the matrimonial proceedings, the wife's convenience has to be given importance, this Tr.C.M.P. is ordered and H.M.O.P.No.03 of 2005 pending on the file of the Sub Court, Pollachi shall stand withdrawn and transferred to the Sub Court, Udumalpet to be tried along with H.M.O.P.No.40 of 2015 and H.M.O.P.No.03 of 2015. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Sub Court, Pollachi
2. The Sub Court, Udumalpet.

+1 cc to Mr.A.Sathish kumar Advocate sr 73686

Tr.C.M.P.No.688 of 2017
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