

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.10.2017

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.708 of 2017
and C.M.P.No.14324 of 2017

Swarna@Radha ... Petitioner
Vs.
Vasanthakumar ... Respondent

Prayer: The Transfer Petition filed under Section 24 of Civil Procedure Code praying to withdraw the case H.M.O.P. No.113 of 2016 pending on the file of Sub Court, Nagapattinam and transfer the same to the Principal Sub Court, Tiruchirapalli.

For Petitioner : Mr.K.S.Vamsidhar

For Respondent : Mr.S.Sounthar

O R D E R

The transfer petition is filed by the petitioner/wife, seeking transfer of H.M.O.P. No.113 of 2016, filed by the respondent/husband, under Section 13(1)(ia) of the Hindu Marriage Act for divorce, before the Sub Court, Nagapattinam to the file of Principal Sub Court, Tiruchirapalli.

2. The learned counsel appearing for the respondent/husband pointed out that even in the O.P., it is specifically stated that he was assaulted, when he was in Trichy and therefore, he opposed the transfer of the matter to Sub Court Trichy. However, the said allegations subject to proof in the main O.P. The petitioner/wife has stated that she is maintaining the child born out of the wedlock and it will be difficult for her to travel to Trichy for each hearing from Nagapattinam.

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

4. Considering the difficulties expressed by the wife and the expenditure that may be involved in travel to Nagapattinam and also considering Section 19(iii-a) of the Hindu Marriage Act, which gives preference for the wife in respect of the place where she resides, this Court is inclined to transfer H.M.O.P.No.113 of 2016 from the file of Sub Court Nagapattinam to the file of Principal Sub Court, Tiruchirapalli.

5. Accordingly, this Transfer Civil Miscellaneous petition is allowed and H.M.O.P.No.113 of 2016, pending on the file of Sub Court, Nagapattinam shall stand withdrawn and transferred to Principal Sub Court, Tiruchirapalli. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

msvm/rsi

To

1. The Sub Court,
Nagapattinam.
2. The Principal Sub Court,
Tiruchirapalli.

+1cc to Mr.K.S.Vamsidhar, Advocate Sr.No.76478

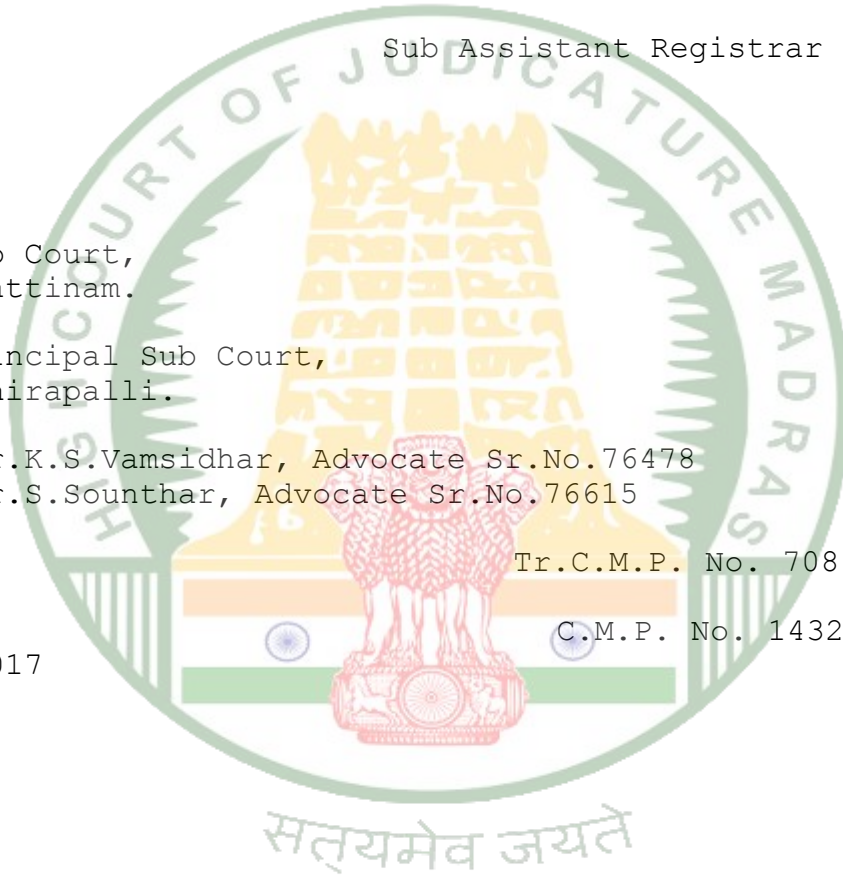
+1cc to Mr.S.Sounthar, Advocate Sr.No.76615

Tr.C.M.P. No. 708 of 2017

and

C.M.P. No. 14324 of 2017

sm:7.12.2017



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