

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.728 of 2017
and
CMP.No.14832 of 2017

G.Priyadharshini

...

Petitioner

Versus

K.Manikandan

...

Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to transfer the O.P.No.69 of 2017 on the file of Sub Court, Thirupathur and to be tried along with HMOP No.506 of 2017, pending on the file of Sub Court, Poonammallee.

For Petitioner : Mr.R.Meenakshi

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw O.P.No.69 of 2017, pending on the file of Subordinate Court,

Thirupathur and transfer the same to the file of Subordinate Court, Poonammallee, to be tried along with HMOP No.506 of 2017.

2. In the affidavit filed in support of this petition, it is stated that the marriage between the petitioner and the respondent was solemnized on 07.02.2016. Due to some misunderstanding between them, the petitioner left the matrimonial home and is living with her parents in Chennai. The respondent/husband filed a petition in O.P.No.69 of 2017, on the file of Subordinate Court, Thirupathur, seeking divorce and the petitioner herein filed a petition in O.P.No.506 of 2017, before the Subordinate Court, Poonamalle, for restitution of conjugal rights. The petitioner states that it would be extremely difficult for her to travel from Chennai to Thirupattur to attend hearings before the Subordinate Court, Thirupathur. Hence, she filed this transfer Civil Miscellaneous Petition seeking for the aforesaid relief.

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3. Heard the learned counsel for the petitioner. Despite the notice being served on the respondent and his name printed in the cause list, there is no appearance on his behalf either in person or through counsel.

4. Considering the averments made in the affidavit filed in support

of this petition 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 O.P.No.69 of 2017 pending on the file of Subordinate Court, Tirupathur, Vellore District to the file of Subordinate Court, Poonamallee, Tiruvallur District, where the presence of the parties is not mandatory.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the proceedings pending in O.P.No.69 of 2017, on the file of Subordinate Court, Tirupathur is withdrawn and transferred to the file of Subordinate Court, Poonamallee, Thiruvallur District to try along with O.P.No.506 of 2017 . No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते

15.12.2017

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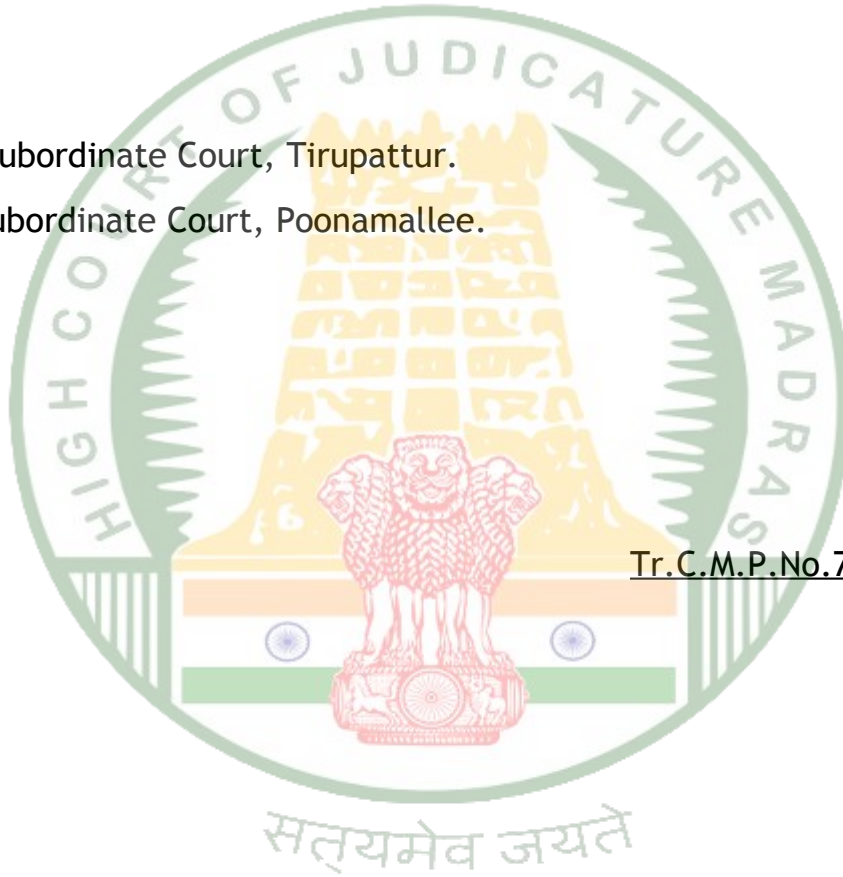
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PUSHPA SATHYANARAYANA, J

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To

1. The Subordinate Court, Tirupattur.
2. The Subordinate Court, Poonamallee.



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