

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.768 of 2017
and C.M.P.No.15642 of 2017

K. Mythili ... Petitioner/Respondent

versus

K. Sridharan ... Respondent/Petitioner

Prayer:- Petition has been filed under Section 24 of C.P.C., praying to withdraw H.M.O.P.No.66 of 2017 pending on the file of the District Principal Subordinate Court, Krishnagiri and transfer the same to the District Principal Family Court, Coimbatore.

For Petitioner : Mr.D.Vijayababu
For Respondent : No appearance

O R D E R

The petitioner/wife has filed this transfer Civil Miscellaneous Petition, seeking to withdraw H.M.O.P.No.66 of 2017, pending on the file of District Principal Subordinate Court, Krishnagiri and transfer the same to the file of District Principal Family Court, Coimbatore.

2. The respondent/husband has filed H.M.O.P.No.66 of 2017 under Section 9 of the Hindu Marriage Act, before the District Principal Sub Judge, Krishnagiri, for restitution of conjugal rights. The petitioner/wife has filed M.C.No.153 of 2017 under Section 125 (a) & (b) of Cr.P.C., before the District Principal Family Court, Coimbatore for maintenance.

3. It is stated in paragraph 8 of the affidavit filed in support of the petition that the petitioner/wife is living in Coimbatore and the minor girl child is studying in Coimbatore and hence, she is unable to travel from Coimbatore to Krishnagiri for each and every hearing. Therefore, the petitioner has sought for the above transfer.

4. Heard the learned counsel for the petitioner.

5. Notice was served on the address given by the respondent/husband in H.M.O.P.No.66 of 2017. When the notice is taken to the very same address, it is returned as "unclaimed". Hence, the name of the respondent was printed in the cause list. Even, there is no appearance for the respondent either in person or through counsel.

6. Considering Section 19(iii-a) of the Hindu Marriage Act, which speaks about the convenience of the wife is paramount, this Court is inclined to transfer H.M.O.P.No.66 of 2017, pending on the file of District Principal Sub Court, Krishnagiri to the file of District Principal Family Court, Coimbatore.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.66 of 2017, pending on the file of District Principal Sub Court, Krishnagiri shall stand withdrawn and transferred to the file of District Principal Family Court, Coimbatore. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

rsi

To

1. The District Principal Sub Judge,
Krishnagiri.
2. The District Principal Judge,
Family Court, Coimbatore.

+lcc to Mr.D.Vijayababu, Advocate sr.no.85043

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VGII(CO)
NR 28/12/2017

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