

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.800 of 2017
and C.M.P.No.16237 of 2017

R. Suguna ... Petitioner/Respondent

versus

J. Rajesh Respondent/Petitioner

Prayer:- Petition has been filed under Section 24 of C.P.C., praying to withdraw the case in H.M.O.P.No.299 of 2017 on the file of Family Court, Tiruchirappalli and transfer the same to the file of Family Court, Dharmapuri.

For Petitioner : Mr.G.Nirmal Krishnan

For Respondent : Sd-No appearance

O R D E R

This transfer petition is filed by the petitioner/wife in the matrimonial proceedings, seeking transfer of H.M.O.P.No.299 of 2017, pending on the file of Family Court, Tiruchirappalli to the file of Family Court, Dharmapuri.

2. The respondent/husband has filed the above H.M.O.P.No.299 of 2017 under Section 9 of the Hindu Marriage Act, on the file of Family Court, Tiruchirappalli, for restitution of conjugal rights. The petitioner/wife has filed F.C.M.O.P.No.133 of 2017 under Section 13(1)(i-a) of the Hindu Marriage Act, before the District Family Court, Dharmapuri for dissolution of marriage held between the petitioner and the respondent on 11.04.2012.

3. It is stated in the affidavit filed in support of the petition that the petitioner/wife is staying in Dharmapuri. She expressed her difficulty to travel all along to Tiruchirappalli for each hearing, which is more than 200 kms from her residence. It is also stated that the petitioner's mother was aged and she could not accompany the petitioner to attend the hearings at

Tiruchirappalli. Further, the petitioner apprehends danger on the hands of the respondent and his family members, if she goes to attend the court proceedings at Tiruchirappalli. Hence, the petitioner/wife has sought for the transfer of H.M.O.P.No.299 of 2017 to the file of Family Court, Dharmapuri.

4. Heard the learned counsel for the petitioner. Though notice has been served on the respondent/husband and his name has been printed in the cause list, he has not cared to appear either in person or through counsel.

5. In view of the allegations made in the affidavit and also 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 feels it appropriate to transfer H.M.O.P.No.299 of 2017, pending on the file of Family Court, Tiruchirappalli to the file of Family Court, Dharmapuri, where F.C.M.O.P.No.133 of 2017 filed by the wife is already pending.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed by withdrawing H.M.O.P.No.299 of 2017, pending on the file of Family Court, Tiruchirappalli and transferring the same to the file of Family Court, Dharmapuri. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

rsi

To

1. The Judge,
Family Court, Tiruchirappalli.

2. The Judge,
Family Court, Dharmapuri.

+1cc to Mr.G.Nirmal Krishnan, Advocate SR.No.85282

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PVS (CO)
GN(27/12/2017)