

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.895 of 2017
and
C.M.P.No.18190 of 2017

S.Gowri

Petitioner

Versus

M.Thiruppathi Vangatachalapathi

Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw and transfer the case in H.M.O.P.No.634 of 2017 on the file of Sub Court, Thirumangalam (Madurai District) to the file of Family Court, Chennai.

For Petitioner : Mr.K.Murugesan
For Respondents : Mr.Kingly Solomon

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the case in H.M.O.P.No.634 of 2017, filed by the respondent from the file of Sub Court, Thirumangalam (Madurai District) and transfer the same to the file of Family Court, Chennai.

2. Heard both sides.

3. In paragraph 6 of the affidavit filed in support of this petition, it is stated that the petitioner is living with her aged parents in Chennai and she does not have any independent income and hence it would be difficult for her to travel from Chennai to Thirumangalam to attend each and every hearing before the Subordinate Court, Thirumangalam. Hence, she seeks for the transfer of the H.M.O.P.No.634 of 2017 pending on the file of Subordinate Court, Thirumangalam to the file of family Court, Chennai.

4. Considering the facts and circumstances of the case 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 H.M.O.P.No.634 of 2017 pending on the file of Subordinate Court, Thirumangalam to any of the Family Court at Chennai.

5. Accordingly, this petition is allowed and the proceedings pending in H.M.O.P.No.634 of 2017, pending on the file of Subordinate Court, Thirumangalam is withdrawn and transferred to the Family Court at Chennai. No costs. Consequently, the Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub Court, Thirumangalam
2. The Family Court, Chennai

+1 cc to Mr.K.Murugesan Advocate sr 83509

+1 cc to Mr.Kingsly Solomon Advocate sr 83577

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