

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.204 of 2015
and M.P.No.1 of 2015

Radhika ... Petitioner

Vs.

Selvam ... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw the divorce petition in O.P.No.2866 of 2014 on the file of the Family Court No.II, Chennai and transfer the same to the Sub Court, Theni which is competent to try the matter along with H.M.O.P.No.215 of 2014.

For Petitioner : Mr.C.K.M.Appaji
For Respondent : Mr.A.Govindasamy

O R D E R

The petitioner/wife in a matrimonial proceedings has filed the above transfer Civil Miscellaneous Petition seeking to withdraw H.M.O.P.No.2866 of 2014, pending on the file of II Additional Family Court, Chennai and transfer the same to the file of Sub Court, Theni to be tried along with H.M.O.P.No.215 of 2014, pending on the file of Sub Court, Theni.

2. The respondent/husband has filed the above H.M.O.P.No.2866 of 2014 under Section 13(1-a)(1-b) of Hindu Marriage Act, before the II Additional Family Court, Chennai, for dissolution of marriage held between the petitioner and the respondent on 28.10.2009. The petitioner/wife has also filed H.M.O.P.No.215 of 2014 under Section 9 of the Hindu Marriage Act, before the Sub Court, Theni for restitution of conjugal rights.

3. It is stated by the petitioner/wife that she is living with her parents and is also jobless. She expressed her difficulty to travel all the way to Chennai for each and every hearing. Therefore, the wife has filed the above transfer petition, seeking transfer of O.P.No.2866 of 2014 from the file of II Additional Family Court, Chennai to the file of Sub Court, Theni to be tried along with H.M.O.P.No.215 of 2014.

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

5. The learned counsel appearing for the respondent/husband has got no serious objection for the above transfer.

6. Considering the above facts and circumstances 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.2866 of 2014 pending on the file of II Additional Family Court, Chennai to the file of Sub Court, Theni.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and O.P.No.2866 of 2014 pending on the file of II Additional Family Court, Chennai shall stand withdrawn and transferred the same to the file of Sub Court, Theni to be tried along with H.M.O.P.No.215 of 2014, pending on the file of Sub Court, Theni. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

rsi
To

1. The Judge,
II Additional Family Court, Chennai.

2. The Subordinate Judge, Theni.

+lcc to Mr.C.K.M.Appaji, Advocate SR.No.74624

KK(CO)
SM/22/11/2017

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