

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2017

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.CMP.No.205 of 2015

and

M.P.No.1 of 2015

Aachiammal @ Devi

... Petitioner

Versus

C.Sivasankar

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.557 of 2014 from the file of Sub-Court, Tambaram, and transfer the same to the file of Sub-Court, Nagercoil, which is competent to try the case.

For Petitioner : Mr.C.K.M.Appaji

For Respondent : No Appearance

O R D E R

The wife in the matrimonial proceedings is the petitioner herein, seeks transfer of H.M.O.P.No.557 of 2014 from the file of Sub-Court, Tambaram, to the file of Sub-Court, Nagercoil.

2. It is stated in paragraph 4 of the affidavit filed in support of the petition that the petitioner is very poor and could not afford to travel from Nagercoil to Tambaram for every hearings by carrying the new born baby. Further, it is stated that her parents are aged and they cannot accompany her for the long travel from Nagercoil to Tambaram. Therefore, she seeks for transfer of H.M.O.P.No.557 of 2014 from the file of Sub-Court, Tambaram, to the file of Sub-Court, Nagercoil.

3. Though notice has been served to the respondent, he has not appeared 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 H.M.O.P.No.557 of 2014 from the file of Sub-Court, Tambaram, to the file of Sub-Court, Nagercoil.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the proceedings pending in H.M.O.P.No.557 of 2014, on the file of the Sub-Court, Tambaram, is withdrawn and transferred to the file of Sub-Court, Nagercoil. The personal appearance of the respondent/husband before the Sub-Court, is dispensed with for all the hearings, unless otherwise warranted. No costs. Consequently, the connected Miscellaneous Petition is closed.
raja

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Judge,
Tambaram.
2. The Subordinate Judge,
Nagercoil.

+1cc to M/s.C.K.M.Appaji, Advocate sr.No.92090

CNR(CO)
sm:18.1.2018

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सत्यमेव जयते
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