

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.215 of 2015
and M.P.No.1 of 2015

J. Sujana ... Petitioner

Versus

T. Shivaraj ... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to transfer the above said H.M.O.P.No.150 of 2014 pending before the Subordinate Court, Nagercoil to Family Court, Chennai.

For Petitioner : Mr.K.Balajee

For Respondent : No appearance

O R D E R

This Transfer Civil Miscellaneous Petition is filed by the petitioner/wife, seeking transfer of H.M.O.P.No.150 of 2014 filed by the respondent/husband under Section 13(1)(i-a) of Hindu Marriage Act for divorce, pending on the file of Sub Court, Nagercoil to any of the Family Courts in Chennai.

2. From the records it is seen that wife has also filed M.C.No.107 of 2015 which is pending before the II Additional Family Court, Chennai. The petitioner/wife is residing in Chennai. She has expressed difficulty in travelling to Nagarcoil to conduct the case. The minor child born out of the wedlock is also with the petitioner/wife. It is also stated in the affidavit that the respondent is living in Canada.

3. Heard the learned counsel for the petitioner. Though the respondent/husband is served with the notice and his name printed in the cause-list, he has not entered appearance either in person or through counsel.

4. Considering Section 19(iii-a) of the Hindu Marriage Act wherein, the convenience of the wife is paramount, this Court is inclined to transfer H.M.O.P.No.150 of 2014 from the file of Sub Court, Nagercoil to the file of II Additional Family Court, Chennai, where M.C.No.107 of 2015 filed by the wife is pending. On such transfer of the papers, both the

H.M.O.P.No.150 of 2014 as well as M.C.No.107 of 2015 may be tried together and heard jointly.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.150 of 2014, pending on the file of Sub Court, Nagercoil shall stand withdrawn and transferred to II Additional Family Court, Chennai to be tried along with M.C.No.107 of 2015. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

// True Copy//

Sub Assistant Registrar

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To

1. The Sub Judge,
Nagarcoil.
2. The Judge,
II Additional Family Court, Chennai.

Tr.C.M.P.No.215 of 2015
and M.P.No.1 of 2015

PVS (CO)
GN(27/11/2017)

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