

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.11.2017

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.275 of 2015

and M.P.No.1 of 2015

Dhanalakshmi

-vs-

...Petitioner

K.C.Jagannathan

...Respondent

Petition filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.3098 of 2014 pending before the II Additional Family Court at Chennai and transfer the same to the file of the Subordinate Judge, Kancheepuram or such other Court.

For Petitioners : Mr.X.Selvam Sounder

For Respondent : Ms.Gajalakshmi Rajendran

O R D E R

The petitioner-wife has filed the above transfer civil miscellaneous petition seeking transfer of H.M.O.P.No.3098 of 2014 filed by the husband pending on the file of the II Additional Family Court, Chennai for divorce to the file of the Subordinate Judge, Kancheepuram.

2. The wife has already filed M.C.No.4 of 2014, which is also pending before the Judicial Magistrate Court, Kancheepuram.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

4. Learned counsel for the respondent submitted that O.P.No.3361 of 2015 was filed by the husband under Section 7 of Guardians Wards Act before the Family Court, Chennai and the same is pending. Learned counsel for the petitioner has produced a copy of the order dated 18.01.2017, which shows that

the said O.P was dismissed for default and as on date, it has not been restored to file.

5. The wife has stated in her affidavit filed in support of the petition that it is difficult for her to travel 140 kms from Kancheepuram to Chennai for each of the hearing. As the said H.M.O.P is pending before the Family Court, Chennai the appearance of the party is mandatory. She has also made other allegations with respect to her safety and security.

6. Considering the grievance expressed by the petitioner 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.3098 of 2014 pending on the file of the II Additional Family Court, Chennai to Sub Court, Kancheepuram.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed by withdrawing H.M.O.P.No.3098 of 2014 pending on the file of II Additional Family Court, Chennai and transferring the same to the file of Subordinate Court, Kancheepuram. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Subordinate Judge, Kanchipuram
2. The II Additional Judge,
Family Court, Chennai

+1cc to Mr.X.Selvam Sounder Advocate, S.R.No. 83746

+1cc to Ms.Gajalakshmi Rajendran Advocate, S.R.No. 84498

Tr.C.M.P.No.275 of 2015
and M.P.No.1 of 2015

KS(CO)
TR(13/12/2017)