

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.513 of 2015
and
M.P.No.1 of 2015

Mrs.V.M.Bharathi

...

Petitioner

Versus

S.Palanivel

...

Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the H.M.O.P.No.35 of 2015 before the Principal Sub Court, Thanjavur and transfer the same to the Family Court at Chennai.

For Petitioner : Ms.D. Kamachi

For Respondent : Mrs.P.Srividhya

O R D E R

The wife in the Matrimonial proceedings have preferred this Transfer Civil Miscellaneous Petition seeking to transfer H.M.O.P.No.35 of 2015, filed by the husband for divorce before the Subordinate Court, Tanjavore to the file of Family Court, Chennai.

2. Heard both sides.

3. At the request of the learned counsel for the petitioner matter was referred to Mediation Centre for the hearing on 08.11.2016, by an order dated 26.10.2016. As the parties were unable to arrive at an amicable settlement, the matter was again referred back to this Court.

4. The petitioner herein is a Drug Collector working in Chennai. The husband is a professor in a Private University at Tanjavore. It is stated by the wife that she is residing in Guduvancherry in Kancheepuram District along with her child. The petitioner/wife expressed her difficulty in transferring her job

to Tanjavore and also in travelling to Tajore along with her minor child to attend the hearings before the Subordinate Court, Tanjavore.

5. Though it is stated that before the Subordinate Court, the presence of parties is not mandatory, still considering 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 is inclined to transfer the H.M.O.P.No.35 of 2015, pending before the Principal Subordinate Court, Tanjavore. Though the petitioner has sought for transfer to the Family Court, Chennai, this Court considering the fact that the husband has to travel from Thanjavore, this Court, feels it appropriate to transfer the matter to Subordinate Court, Tambaram.

7. Accordingly, this Transfer Civil Miscellaneous Petition is disposed of and the proceedings pending in H.M.O.P.No.35 of 2015, pending before the Principal Subordinate Court, Tanjavore is withdrawn and transferred to Subordinate Court, Tambaram. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub Court, Tambaram
2. The Principal Subordinate Court, Tanjavore .

RRK(28/02/2018)

Tr.C.M.P.No.513 of 2015

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