

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.539 of 2015
and M.P.No.1 of 2015

Amul @ Devi ... Petitioner

Versus

1. Murali
2. Naveen ... Respondents

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.107 of 2014, pending on the file of Principal Sub Judge, Tindivanam and to transfer the same to the file of Hon'ble Family Court, Tambaram, Chennai.

For Petitioner : Ms.Agnes Roseling Joseph
For Respondent 1 : Mr.G.Pugazhenth
For Respondent 2 : Not ready in notice

O R D E R

The petitioner/wife has filed this Transfer Civil Miscellaneous Petition, seeking transfer of H.M.O.P.No.107 of 2014, pending on the file of Principal Sub Court, Tindivanam to the file of Family Court, Tambaram.

2. The respondent/husband has filed the above H.M.O.P.No.107 of 2014 under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act, before the Principal Sub Judge, Tindivanam for dissolution of marriage solemnized between the petitioner and the respondent on 13.12.2009.

3. It is stated that the petitioner/wife is residing with her aged parents at their house. In paragraph 8 of the affidavit, she has expressed her grievance that she may physically hurt by the respondent and his family members, if she goes to Tindivanam for hearing. Besides, expressing her difficulty to travel to Tindivanam, it is stated that she is jobless and has no independent income for incurring travel expenses.

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

5. Considering the averments made in the transfer petition and also Section 19(iii-a) of the Hindu Marriage Act, which speaks about the convenience of the wife is paramount, this Court is inclined to transfer H.M.O.P.No.107 of 2014 from the file of Principal Sub Court, Tindivanam to the file of Sub Court, Tambaram.

6. However, the learned counsel appearing for the first respondent has got no serious objection for the above transfer.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.107 of 2014, pending on the file of Principal Sub Court, Tindivanam shall stand withdrawn and transferred to the file of Sub Court, Tambaram. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

rsi
To

1. The Principal Sub Judge,
Tindivanam.

2. The Sub Court,
Tambaram.

+1cc to Mr.P.V.PREJA & AGNES ROSELING JOSEPH, Advocate,
S.R.No. 75532/17

BR(CO)
TR(29/11/2017)

Tr.C.M.P.No.539 of 2015
and M.P.No.1 of 2015