

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.547 of 2015

and M.P.No.1 of 2015

Mythili ... Petitioner/Respondent

Vs.

Kumar Ganesh ... Respondent/Petitioner

Prayer:- Petition has been filed under Section 24 of C.P.C., to transfer H.M.O.P.No.55 of 2015 from the file of Subordinate Judge, Namakkal to the file of Family Court at Coimbatore.

For Petitioner : Mr.Ramesh Kumar Chopra

For Respondent : Sd-No appearance

O R D E R

The petitioner/wife in a matrimonial proceedings has filed the above transfer Civil Miscellaneous Petition seeking to withdraw H.M.O.P.No.55 of 2015, pending on the file of Sub Court, Namakkal and transfer the same to the file of Family Court at Coimbatore.

2. The respondent/husband has filed H.M.O.P.No.55 of 2015 under Section 13(1)(i-a) of Hindu Marriage Act, before the Sub Court, Namakkal for dissolution of marriage held between the petitioner and the respondent on 14.09.2009 on the ground of cruelty.

3. It is stated that the wife is residing in Coimbatore and the marriage was also performed in Coimbatore. The wife has filed a petition in D.V.A No.11 of 2015 under Sections 18,19 and Section 23 of the Protection of Women from Domestic Violence Act, seeking for maintenance, which is also pending on the file of Judicial Magistrate No.VII, Coimbatore. The wife is also taking care of the minor son born out of the wedlock.

4. Heard the learned counsel for the petitioner. Despite of notice having been served on the respondent and the name of the respondent having been printed in the cause list, the

respondent has not cared to appear either in person or through counsel.

5. Considering the above facts and circumstances 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.55 of 2015 pending on the file of Sub Court, Namakkal.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.55 of 2015, pending on the file of Sub Court, Namakkal shall stands withdrawn and transferred to the file of Family Court, Coimbatore. No Costs. Consequently, connected miscellaneous petition is closed.

Assistant Registrar
Dt.15.11.17

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Judge,
Namakkal.
2. The Judge,
Family Court, Coimbatore.

+1 cc to Mr.Rameshkumar chopra,advocate,sr.74471.

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krd 27/11

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