

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2017

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.CMP.No.586 of 2015

and

M.P.No.1 of 2015

Mrs.S.Thenmozhi ... Petitioner/Respondent

Versus

Mr.D.Sasikumar ... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.511 of 2014 pending before the Family Court, Salem and transfer the same to the file of the I Additional Family Court, Chennai to tried along with O.P.No.2748 of 2013 pending on the file of the same Court.

For Petitioner : Mr.S.Sathish Rajan

For Respondent : Mr.Parthasarathy

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking to transfer H.M.O.P.No.511 of 2014 from the file of the Family Court, Salem, to the file of the I Additional Family Court, Chennai to tried along with O.P.No.2748 of 2013 pending on the file of the same Court.

2. In the affidavit filed in support of this petition, it is stated that the marriage between the petitioner and the respondent was solemnized on 02.09.2009. Out of their wedlock, a female child was born to them. It is further stated that the respondent and his family members have tortured the petitioner and due to which she was forced to leave the matrimonial home and is staying in her parents home. The petitioner filed an application in O.P.No.2748 of 2013, before the I Additional Family Court, Chennai seeking restitution of conjugal rights and the respondent herein filed an application in H.M.O.P.No.511 of 2014, seeking divorce, before the Family Court, Salem. The

petitioner further states that it would be very difficult for her to travel from Chennai to Salem along with her six years old daughter and therefore she seeks transfer of the H.M.O.P.No.511 of 2014 from the file of Family Court, Salem to the file of I Additional Family Court, Chennai.

3. The learned counsel appearing for the respondent has no serious objection to transfer the same.

4. Considering the averments made in the affidavit filed in support of this petition 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 and the fact that the respondent has stated no objection, this Court deems it fit to transfer the said H.M.O.P.No.511 of 2014 from the file of the Family Court, Salem to the file of the I Additional Family Court, Chennai to tried along with O.P.No.2748 of 2013 pending on the file of the same Court.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the proceedings pending in H.M.O.P.No.511 of 2014, on the file of the Family Court, Salem, is withdrawn and transferred to the file of I Additional Family Court, Chennai. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

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To

1. The Family Court,
Salem.

2. The I Additional Family Court,
Chennai.

+1 CC to Mr.S.Sathish Rajan , Advocate sr 90978.

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SP(22/01/2018)