

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.10.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.616 of 2015

and

M.P.No.1 of 2015

N.Lakshmi

.. Petitioner/Respondent

-Vs-

D.Chandrasekaran

... Respondent/Petitioners

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw the H.M.O.P.No.125 of 2013 on the file of the Sub Court, Udumalpet and transfer the same to Chengalpattu for joint trial along with H.M.O.P.No.196 of 2015 and G.W.O.P.No.1 of 2015 on the file of the Family Court, Judge, Chengalpattu.

For petitioner

... Mr.J.R.K.Bhavanantham

For Respondent

....Served - No Appearance

O R D E R

This transfer petition is filed by the wife in a matrimonial dispute seeking transfer of H.M.O.P.No.125 of 2013 filed by the husband on the file of the Sub Court, Udumalpet to the file of the Family Court, Chengalpattu to be tried along with H.M.O.P.No.196 of 2015 and G.W.O.P.No.1 of 2015 filed by the wife.

2. The husband has filed H.M.O.P.No.125 of 2013 under Section 9 of the Hindu Marriage Act before the Sub Judge, Udumalpet for restitution of conjugal rights.

3. The wife, who is the petitioner herein, had filed H.M.O.P.No.196 of 2015 under Section 13(1) (i-a) of the Hindu Marriage Act on the file of the Family Court, Chengalpattu for divorce and she has also filed G.W.O.P.No.1 of 2015 under Sections 7 and 8 of Guardian and Wards Act, 1890 on the file of the Family Court, Chengalpet for appointment of guardian of two minor children born out of the wedlock between the petitioner and respondent.

4. It is sated that the minor children are with the mother, who is residing in Chengalpet District. The wife was originally employed in U.S.A. and has now come back to India. It is contended in paragraph 5 of the affidavit filed in support of the transfer petition that it would be difficult for her to travel to Udumalpet from Chennai every time, as she had to go to Coimbatore and board a bus to Udumalpet. Hence, she sought for transfer.

5. Though the respondent is served with notice and his name having been printed in the cause list, he has not appeared either in person or through counsel.

6. Considering the above facts and also taking into account the fact that the petitioner is having two minor children with her custody and even as per Section 19 (iii-a) of the Hindu Marriage Act, the convenience of the wife is of paramount importance, it would be appropriate to transfer H.M.O.P.No.125 of 2013 on the file of the Sub Court, Udumalpet to the file of the Family Court, Chengalpattu to be tried along with H.M.O.P.No.196 of 2015 and G.W.O.P.No.1 of 2015.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.125 of 2013 pending on the file of the Sub Court, Udumalpet shall stand withdrawn and transferred to the file of the Family Court, Chengalpattu to be tried along with H.M.O.P.No.196 of 2015 and G.W.O.P.No.1 of 2015. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

// True Copy//

Sub Assistant Registrar

srn

To

- 1.The Subordinate Court, Udumalpet
- 2.The Judge, Family Court, Chengalpat

+1cc to Mr.JRK.Bhavanantham, Advocate SR.No.76437

Tr.C.M.P.No.616 of 2015
and
M.P.No.1 of 2015

RR(CO)
GN(23/11/2017)