

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. Nos.651 and 662 of 2015

and M.P.Nos.1 and 1 of 2015

T. Pappathi

... Petitioner in
both Tr.C.M.Ps.

Vs.

P.R. Karthikeyan

... Respondent in
both Tr.C.M.Ps.

Balakumar

... 2nd Respondent in
Tr.C.M.P.No.662/2015

Prayer in Tr.C.M.P.No.651 of 2015:- Petition filed under Section 24 of C.P.C., to withdraw the G.W.O.P.No.2969 of 2015 pending on the file of II Additional Family Court, Chennai and transfer the same to the file of District Court, Ariyalur.
Prayer in Tr.C.M.P.No.662 of 2015:- Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.2777 of 2015 pending on the file of II Additional Family Court, Chennai and transfer the same to the file of Subordinate Court, Ariyalur.

For Petitioner : Mr.C.Prabakaran
(in both Tr.C.M.Ps.)

For Respondents : Sd - No appearance
(in both Tr.C.M.Ps.)

C O M M O N O R D E R

Tr.C.M.P.No.651 of 2015 is filed by the petitioner/wife seeking to withdraw G.W.O.P.No.2969 of 2015 pending on the file of II Additional Family Court, Chennai and transfer the same to the file of District Court, Ariyalur.

2. Tr.C.M.P.No.662 of 2015 is filed by the petitioner/wife seeking to withdraw H.M.O.P.No.2777 of 2015 pending on the file of II Additional Family Court, Chennai and transfer the same to the file of Sub Court, Ariyalur.

3. The respondent/husband has filed the H.M.O.P.No.2777 of 2015 under Section 13(1)(i-a) of Hindu Marriage Act, before the II Additional Family Court, Chennai for dissolution of marriage held between the petitioner and the respondent on 11.05.2008. He has also filed G.W.O.P.No.2969 of 2015 under Section 7 of the Guardian and Wards Act, before the II Additional Family Court, Chennai for custody of his minor children.

4. It is stated by the petitioner/wife that she has filed a maintenance petition in M.C.No.20 of 2015 under Section 125 of Cr.P.C. before the Principal Munsif Court, Ariyalur and the same is also pending. It is the grievance of the petitioner that she has to travel every time to attend the hearing at Chennai, as the O.Ps. are filed in the Family Court, Chennai. It is stated that the above M.C. is pending since interim stay was granted earlier for stay of further proceedings.

5. Heard the learned counsel for the petitioner. Though the respondents are served with notice and their names have been printed in the cause list, there is no representation for the respondents either in person or through counsel.

6. 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.2777 of 2015 and G.W.O.P.No.2969 of 2015 pending on the file of II Additional Family Court, Chennai.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed by withdrawing H.M.O.P.No.2777 of 2015 and G.W.O.P.No.2969 of 2015 from the file of II Additional Family Court, Chennai and transferring the same to the file of District Court, Ariyalur. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

rsi

To

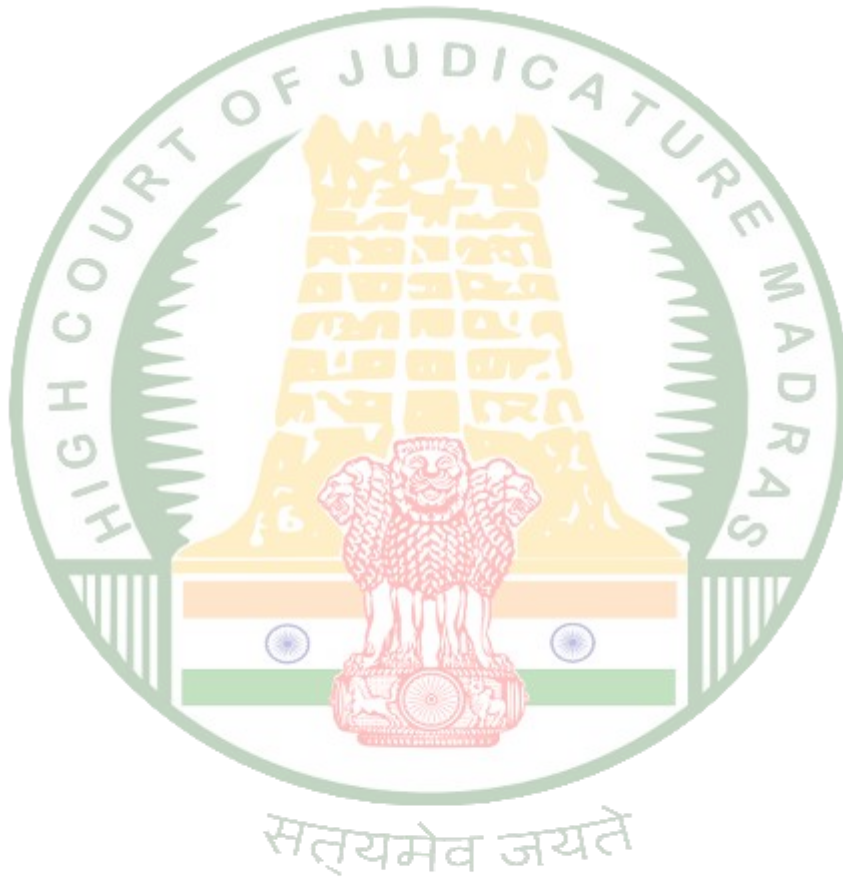
1. The Judge,
II Additional Family Court,
Chennai.

2. The District Judge,
District Court, Ariyalur.

+2cc to Mr.C.Prabakaran, Advocate in sr.no.74640,74641

Tr.C.M.P. Nos.651 and 662 of 2015
and M.P.Nos.1 and 1 of 2015

SJ(CO)
NR 22/11/2017



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