

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.785 of 2015

and

M.P.No.1 of 2015

V.Tharakeswari

Petitioner

Versus

K.Saravanan

Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the H.M.O.P.No.3111 of 2015, on the file of Principal Family Court at Chennai and same to be transferred to Family Court at Pudhucherry.

For Petitioner : Mr.B.Ramprabhu

For Respondent : No appearance

O R D E R

This Transfer Civil Miscellaneous Petition is filed to withdraw the HMOP No.3111 of 2015, on the file of Principal Family Court at Chennai and transfer the same to Family Court, Puducherry.

2. Heard the learned counsel for the petitioner. Though the respondent being served and his name printed in the cause list, there is no representation on behalf of him.

3. The petitioner/wife, in the affidavit filed in support of this petition has stated that the marriage between the petitioner and the respondent was solemnized on 03.06.2013. Due to misunderstanding between them, the petitioner/wife left her matrimonial home and was living in her parental home. She sent a legal notice to the respondent through her advocate on 29.07.2015, calling upon the respondent to give divorce by mutual consent. The respondent/husband instead of giving reply has filed a petition in H.M.O.P.No.3111 of 2015, before the Family

Court, Puducherry seeking for restitution of conjugal rights. The petitioner states that is extremely difficult for her to come to Chennai from Puducherry to attend each and every hearing. Hence, she seeks transfer of the proceedings in H.M.O.P.No.3111 of 2015, on the file of Principal Family Court, Chennai to the Family Court at Chennai.

4. 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. 3111 of 2015 pending on the file of Principal Family Court, Chennai to Family Court, Puducherry.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.3111 of 2015 pending on the file of Principal Family Court, Chennai shall stand withdrawn and transferred to the file of Family Court, Puducherry. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

arr

To

1.The Principal Judge,
Family Court, Chennai.

2.The Judge,
Family Court,
Puducherry.

सत्यमेव जयते

Tr.C.M.P.No.785 of 2017

KJI (CO)
NR 20/11/2017

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