

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.745 of 2013
and
M.P.No.1 of 2013

Uma Devi

... Petitioner

Vs.

Murugan

... Respondent

Prayer:- The Transfer Civil Miscellaneous Petition has filed under Section 24 of C.P.C. praying to withdraw and to transfer H.M.O.P.No.33 of 2013 pending on the file of the Subordinate Judge of Vaniyambadi to the file of the Principal Subordinate Judge of Krishnagiri.

For Petitioner : Mr.Karthick Asath,
for M/s.V.Nicholas

For Respondent : Sd - No appearance

O R D E R

This Transfer Civil Miscellaneous Petition is filed by the petitioner/wife, seeking to withdraw H.M.O.P.No.33 of 2013, pending on the file of Sub Judge, Vaniyambadi and transfer the same to the file of the Principal Subordinate Judge, Krishnagiri.

2. The respondent/husband has filed the above H.M.O.P.No.33 of 2013 under Section 9 of the Hindu Marriage Act, before the Sub Judge, Vaniyambadi for restitution of conjugal rights. The wife has also filed a petition in M.C.No.10 of 2013 under Section 125 of Cr.P.C. before the Chief Judicial Magistrate, Krishnagiri seeking for maintenance.

3. It is stated by the petitioner/wife that she is residing in Krishnagiri and a female child was born out of their wedlock and the child is with the mother. She has also stated that her parents are aged and she finds it difficult to travel from Krishnagiri to Vaniyambadi for each and every hearing along with the minor child. Her parents also could not accompany her for the Court hearings. Hence, she sought for transfer.

4. Heard the learned counsel for the petitioner. Despite notice having been served on the respondent and the name of the respondent having been printed in the cause list, the respondent has not entered appearance either in person or through counsel.

5. Taking into consideration the above grievance expressed by the petitioner and also taking into the fact that the petitioner is having a child and 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.33 of 2013 pending on the file of Sub Court, Vaniyambadi to the file of the Principal Subordinate Court, Krishnagiri.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.33 of 2013, pending on the file of Sub Court, Vaniyambadi shall stand withdrawn and transferred to the file of Principal Subordinate Court, Krishnagiri. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Sub Judge,
Vaniyambadi.
2. The Prinicipal Subordinate Judge,
Krishnagiri.

+1cc to Mr.V.Nicholas, Advocate, S.R.No.75232

Tr.C.M.P.No.745 of 2013
and
M.P.No.1 of 2013

RR(CO)
CA(20/11/2017)