

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.791 of 2013

and

M.P.No.1 of 2013

Bommakkal

... Petitioner

-Vs-

P.Rajapandi

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw the petition in H.M.O.P.No.32 of 2013 from the file of the Subordinate Court, Hosur and transfer the same to the Subordinate Court, Srivilliputtur, Virudhunagar District.

For petitioner ... Mr.K.Manimaran

For Respondent ... 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.32 of 2013 filed by the husband under Section 9 of the Hindu Marriage Act on the file of the Sub Court, Hosur to the file of the Subordinate Court, Srivilliputtur, Virudhunagar District.

2. The respondent, who is the husband, has filed a petition under Section 9 of the Hindu Marriage Act on the file of the Sub Court, Hosur for restitution of conjugal rights.

3. It is stated by the petitioner is that she is living with her parents at Rajapalayam. The petitioner pleads that the distance between Hosur and Rajapalayam is nearly 600 kms and she could not offer to such a long distance without help of her father. Hence, she sought for transfer.

4. Heard the learned counsel for the petitioner. Though the respondent is served with notice and his name having been printed in the cause list, there is representation for the respondent either in person or through counsel.

3. Considering the grievance expressed by the petitioner 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.32 of 2013 pending on the file of the Sub Court, Hosur to Sub Court, Srivilliputtur, Virudhunagar District.

4. Accordingly, the Transfer Civil Miscellaneous Petition is allowed by withdrawing H.M.O.P.No.32 of 2013 pending on the file of Subordinate Court, Hosur and transferring the same to the file of Subordinate Court, Srivilliputtur, Virudhunagar District. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

srn

To

1. The Sub Judge, Hosur

2. The Sub Judge, Srivilliputtur, Virudhunagar District.

+1 CC to Mr.K.Manimaran, Advocate SR.No.77589

CO-

ths : 27.11.2017

सत्यमेव जयते

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