

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. Nos.46 and 307 of 2016
and C.M.P.Nos.781 and 8421 of 2016

S. Selvambal @ Jayalakshmi Petitioner in
both Tr.C.M.Ps.
Vs.

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

Prayer in Tr.C.M.P.No.46 of 2016:- Petition filed under
Section 24 of C.P.C., to withdraw O.P.No.4677 of 2015 on the
file of the III Additional Family Court, Chennai and transfer
the same to Family Court, Dharmapuri.

Prayer in Tr.C.M.P.No.307 of 2016:- Petition filed under
Section 24 of C.P.C., to withdraw O.P.No.1512 of 2016 on the
file of the II Additional Family Court, Chennai and transfer
the same to Family Court, Dharmapuri.

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

For Respondents : Mr.C.T.Mohan
(in both Tr.C.M.Ps.)

C O M M O N O R D E R

Tr.C.M.P.No.46 of 2016 is filed by the petitioner/wife
seeking to withdraw O.P.No.4677 of 2015 pending on the file of
III Additional Family Court, Chennai and transfer the same to
the file of Family Court, Dharmapuri.

2. Tr.C.M.P.No.307 of 2016 is filed by the
petitioner/wife seeking to withdraw O.P.No.1512 of 2016
pending on the file of II Additional Family Court, Chennai and
transfer the same to the file of Family Court, Dharmapuri.

3. The respondent/husband has filed the H.M.O.P.No.4677
of 2015 under Section 13(1)(i-a) of Hindu Marriage Act, before
the III Additional Family Court, Chennai for dissolution of
marriage held between the petitioner and the respondent on
12.11.2003. He has also filed G.W.O.P.No.1512 of 2016 under
Section 7 of the Guardian and Wards Act, before the II

Additional Family Court, Chennai for custody of his two minor children.

4. It is stated that the respondent has also filed F.C.H.M.O.P.No.201 of 2014 under Section 9 of Hindu Marriage Act, before the Family Court, Dharmapuri for restitution of conjugal rights, wherein the petitioner/wife has filed a maintenance petition in F.C.M.C.No.32 of 2014 under Section 125 of Cr.P.C. before the Family Court, Dharmapuri for maintenance. The F.C.H.M.O.P.No.201 of 2014 filed by the respondent/husband was dismissed by order dated 26.08.2015 and F.C.M.C.No.32 of 2014 was decreed in favour of the petitioner/wife by order dated 26.08.2015.

5. It is stated in the affidavit that the petitioner is a resident of Dharmapuri and also taking care of two children, who are now school going. She expressed her grievance that, she is dependent on her parents for her food, shelter and her children's schooling. Also, the respondent/husband has disobeyed the order of the Family Court and neglected to pay maintenance. Hence, she has to get money from her parents to come to Chennai to attend the Court proceeding. She further expressed her difficulty as she has to travel alone about 300 kilometres and stay at Chennai for every hearing. Hence, the petitioner sought for the above transfer.

6. Heard the learned counsel for the petitioner as well as learned counsel for the respondent.

7. Considering the grievances stated in the affidavit and the fact that Section 19(iii-a) of the Hindu Marriage Act, which 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.4677 of 2015 and G.W.O.P.No.1512 of 2016 pending on the file of III and II Additional Family Court, Chennai, respectively to the file of Family Court, Dharmapuri.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed by withdrawing H.M.O.P.No.4677 of 2015 and G.W.O.P.No.1512 of 2016 from the file of III & II Additional Family Court, Chennai, respectively and transferring the same to the file of Family Court, Dharmapuri. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS VI)

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Sub Assistant Registrar

To

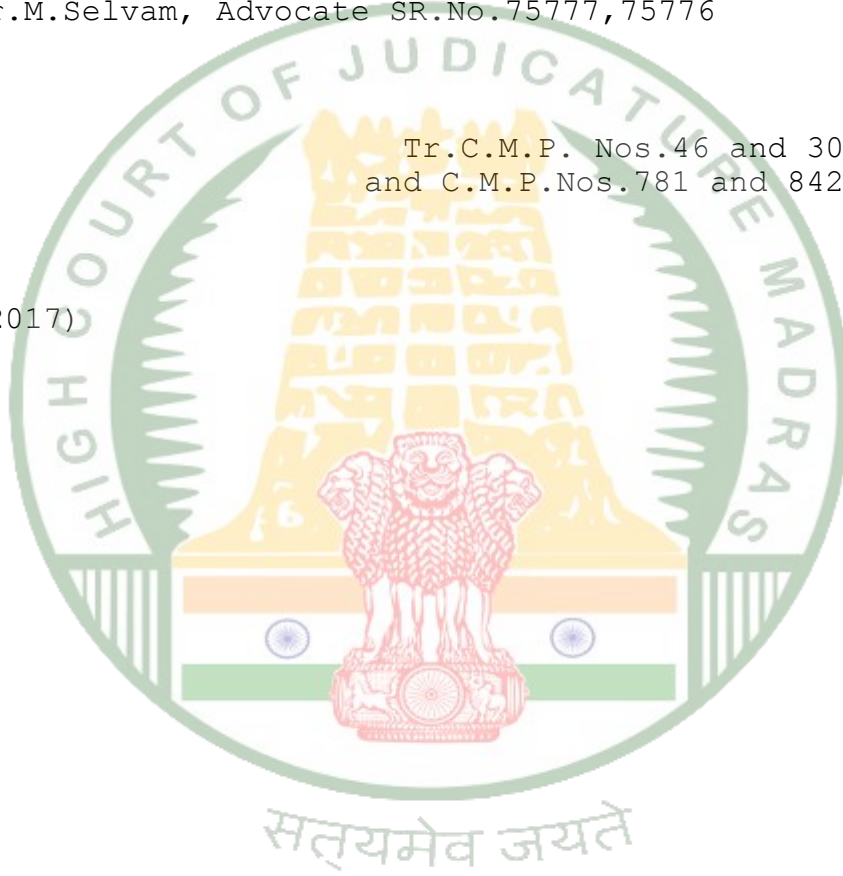
1. The Judge,
III Additional Family Court, Chennai.
2. The Judge,
II Additional Family Court, Chennai.
3. The Judge,
Family Court, Dharmapuri.

+1cc to Mr.C.T.Mohan, Advocate SR.No.76850

+2cc to Mr.M.Selvam, Advocate SR.No.75777,75776

Tr.C.M.P. Nos.46 and 307 of 2016
and C.M.P.Nos.781 and 8421 of 2016

SSI (CO)
GN(27/11/2017)



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