

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.673 of 2016
and C.M.P.No.17676 of 2016

S. Darmamballe ... Petitioner
vs.
G. Chandrasekar ... Respondent

Prayer: This transfer petition has been filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.142 of 2016 pending on the file of Sub Court, Kancheepuram and transfer the same to Family Court, Karaikal.

For Petitioner : Mr.Saikrishnan

For Respondent : Mr.R.Sivakumar

O R D E R

The petitioner/wife has filed this Transfer Civil Miscellaneous Petition, seeking transfer of H.M.O.P.No.142 of 2016, pending on the file of Sub Court, Kancheepuram to the file of Family Court, Karaikal to be tried along with H.M.O.P.No.60 of 2016, pending on the file of Family Court, Karaikal.

2. The respondent/husband has filed the above H.M.O.P.No.142 of 2016 under Section 13(i-a)(i-b) of the Hindu Marriage Act, before the Sub Judge, Kancheepuram, for dissolution of marriage solemnized between the petitioner and the respondent on 29.06.1990. It is also seen that the petitioner/wife has filed M.O.P.No.60 of 2016 under Section 9 of the Hindu Marriage Act, on the file of Family Court, Karaikal for restitution of conjugal rights and the same is pending.

3. The petitioner/wife is residing in Karaikal, whereas the husband is living in Chennai. However, he has filed H.M.O.P.No.142 of 2016 in Sub Court, Kancheepuram. It is stated in paragraph 4 of the affidavit that the petitioner is aged about 53 years and she was unable to travel from Karaikal to Kancheepuram for each hearing. Hence, the transfer is sought for.

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

5. As already the other M.O.P.No.60 of 2016 filed by the wife is pending in Karaikal and also Section 19(iii-a) of the Hindu Marriage Act, which gives preference for the wife in respect of the place where she resides, it would be appropriate to transfer H.M.O.P.No.142 of 2016 from the file of Sub Court, Kancheepuram to the file of Family Court, Karaikal

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.142 of 2016, pending on the file of Sub Court, Kancheepuram shall stand withdrawn and transferred to the file of Family Court, Karaikal to be tried along with H.M.O.P.No.60 of 2016. No Costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

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To

1. The Sub Judge,
Kancheepuram.
2. The Judge,
Family Court, Karaikal.

+1 CC to Ms. Sai Bharath & Ilan, Advocate sr 77884.

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SAI (CO)
SP(27/11/2017)

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