

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.591 of 2016

and C.M.P.No.16239 of 2016

Jayachitra

... Petitioner

Vs.

G. Palanivel @ Vetrivel

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.138 of 2015 from the file of Sub Court, Cuddalore and to transfer the same to Family Court, Chennai.

For Petitioner : Mr.P.Kumaravel

For Respondent : Ms.Anna Shobana Premila  
for Mr.P.Gurunathan

O R D E R

The wife in a matrimonial proceedings has filed the above transfer Civil Miscellaneous Petition seeking to withdraw H.M.O.P.No.138 of 2015 pending on the file of the Sub Court, Cuddalore and transfer the same to any of the Family Court at Chennai. The husband has filed the above H.M.O.P.No.138 of 2015 under Section 12(1)(d) of the Hindu Marriage Act, before the Sub Court, Cuddalore for divorce.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. It is stated in the affidavit filed by the petitioner/wife that she has to be away from the husband due to the cruelty and ill treatment. It is also stated that twin children are born out of their wedlock and they are two years old. Hence, she expressed her difficulty in travelling from Chennai to Cuddalore to attend the hearing of the case.

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.No.138 of 2015 pending on the file of the Subordinate Court, Cuddalore.

5. Accordingly, transfer Civil Miscellaneous Petition is allowed by withdrawing H.M.O.P.No.138 of 2015 pending on the file of the Subordinate Court, Cuddalore and transferring the same to any of the Family Court at Chennai. No costs. Consequently, connected miscellaneous petition is closed.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

rsi

To

1. The Subordinate Judge,  
Cuddalore.

2. The Judge,  
Family Court, Chennai.

+1 cc to MR.P.kumaravel Advocate SR.NO. 73752

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RD 10/11/2017

सत्यमेव जयते

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