

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.694 of 2016

and C.M.P.No.18195 of 2016

and C.M.P.No.18193 of 2017

K. Thenmozhi ... Petitioner

Vs.

K. Kannadasan ... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.2840 of 2016 pending on the file of III Additional Family Court at Madras and transfer the same to Principal Sub Judge at Vriddhachalem, Cuddalore district tried to along with the H.M.O.P.No.104 of 2016.

For Petitioner : Mr.T.Maganathan

For Respondent : Sd-No appearance

O R D E R

The petitioner/wife in a matrimonial proceedings has filed the above transfer Civil Miscellaneous Petition seeking to withdraw H.M.O.P.No.2840 of 2016, pending on the file of III Additional Family Court, Chennai and transfer the same to the file of Principal Sub Court, Vriddhachalam to be tried along with the H.M.O.P.No.104 of 2016.

2. The respondent/husband has filed H.M.O.P.No.2840 of 2016 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 18.02.2008. The petitioner/wife has filed H.M.O.P.No.104 of 2016 under Section 9 of Hindu Marriage Act, before the Principal Sub Judge, Vriddhachalam for restitution of conjugal rights. She has also filed M.C.No.10 of 2016 under Section 125 of Cr.P.C., before the Judicial Magistrate No.I, Vriddhachalam for maintenance.

3. Heard the learned counsel for the petitioner. Though the respondent is served with notice and his name has been printed in the

cause list, there is no representation for the respondent either in person or through counsel.

4. In the affidavit, it is stated that the petitioner/wife is residing at Vriddhachalam with her two sons along with her parents. She is also taking care of the two children, who are now studying in Vriddhachalam. For the above said reasons, the petitioner had expressed her difficulty to travel from Vriddhachalam to Chennai to attend each hearing. Hence, the transfer is sought for.

5. Considering the averments made in the transfer petition and the fact that Section 19(iii-a) of the Hindu Marriage Act, wherein, the convenience of the wife is paramount, this Court is inclined to transfer H.M.O.P.No.2840 of 2016 from the file of III Additional Family Court, Chennai to the file of Principal Sub Court, Vriddhachalam, where H.M.O.P.No.104 of 2016 filed by the wife is pending. On such transfer of the papers, both H.M.O.P.No.2840 of 2016 as well as H.M.O.P.No.104 of 2016 may be tried together and heard jointly.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.2840 of 2016, pending on the file of III Additional Family Court, Chennai shall stand withdrawn and transferred to Principal Sub Court, Vriddhachalam, Cuddalore District to be tried along with H.M.O.P.No.104 of 2016. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

rsi

To

1. The III Additional Judge,
Family Court, Chennai.

2. The Principal Sub Judge,
Vriddhachalam.

+ one cc to Mr.T.Maganathan, Advocate SR.NO. 75655

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RK(CO)

JK 27/11/17