

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.721 of 2016

and C.M.P.No.18674 of 2016

S.R.Sathya Petitioner/Respondent

vs.

D. Selvaraj Respondent/Petitioner

Prayer:- The Transfer Civil Miscellaneous Petition has filed under Section 24 of C.P.C. praying to withdraw the case in F.C.O.P.No.120 of 2016 pending before the Family Court at Chengalpet and transfer the same to the Family Court at Chennai.

For Petitioner : Mr.D.J.Adinarayanan

For Respondent : No appearance

O R D E R

This petition has been filed by the petitioner/wife seeking transfer of F.C.O.P.No.120 of 2016 filed by the husband, pending on the file of Family Court, Chengalpet to the file of the Family Court, Chennai.

2. The respondent/husband has filed the above F.C.O.P.No.120 of 2016 under Section 13(1)(i-a)(iii) of Hindu Marriage Act, before the Family Court, Chengalpet for dissolution of marriage held between the petitioner and the respondent on 08.06.2015 on the ground of cruelty.

3. It is stated that the wife is residing in Mylapore. Out of the wedlock, a male child was born and is also with the mother. She has expressed her difficulty in travelling to Chennai by bus for each of the hearing, as the presence of the parties is mandatory in the Family Court. The husband is living in Guduvancherry. It may not be difficult for him to travel to Family Court, Chennai.

4. Heard the learned counsel for the petitioner. Though the respondent/husband served with the notice, he has not cared to appear either in person or through counsel.

5. 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 is inclined to transfer the said F.C.O.P.No.120 of 2016 pending on the file of Family Court, Chengalpet to the file of Family Court, Chennai.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and F.C.O.P.No.120 of 2016, pending on the file of Family Court, Chengalpet shall stand withdrawn and transferred to any of the Family Courts in Chennai. No Costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Judge,
Family Court, Chengalpet.
2. The Judge,
Family Court, Chennai.

+1 CC to Mr.D.J.Adinarayanan, Advocate Sr.No.75086

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PVS (CO)
KP (27.11.2017)