

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2017

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.CMP.No.792 of 2016 and  
C.M.P.Nos.20201 of 2016 and 3522 of 2017

Mrs.Pathaee

... Petitioner

Versus

A.Ramasamy

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.3234 of 2016 pending on the file of I Additional Family Court and transfer the same to the file of Sub-Court, Neyveli, Cuddalore District.

For Petitioner : M/s.Kanimozhimathi  
For Respondent : M/s.M.E.V.Thulasi

O R D E R

This Transfer Civil Miscellaneous Petition is filed by the petitioner/wife to withdraw H.M.O.P.No.3234 of 2016 pending on the file of I Additional Family Court, Chennai and the transfer the same to the file of Sub-Court, Neyveli, Cuddalore District.

2. It is stated in the affidavit filed in support of this petition that the marriage between the petitioner and the respondent was solemnized on 11.02.2001 and out of the wedlock two children were born to them. Due to dispute between them, the petitioner left the matrimonial home and now living with her aged parents along with her two school going children. Since, the respondent failed to maintain the family, the petitioner/wife filed M.C.No.16 of 2016, before the District Munsif and Judicial Magistrate, Neyveli. In paragraph 8 of the affidavit it is stated that the petitioner is not well educated to travel to Chennai and she has to take care of minor children. Hence, the petitioner seeks transfer of H.M.O.P.No.3234 of 2016 from the file of I Additional Family Court, Chennai to Sub-Court, Neyveli, Cuddalore District. It appears that the wife has filed M.C.No.16 of 2016, before the Judicial Magistrate Neyveli, seeking maintenance.

3. Heard both sides.

4. Considering the averments made in the affidavit filed in support of this petition 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.3234 of 2016 from the file of the I Additional Family Court, Chennai to the file of the Sub Court, Neyveli, Cuddalore District, where the appearance of the parties is not mandatory .

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the proceedings pending in H.M.O.P.No.3234 of 2016 on the file of the I Additional Family Court, Chennai, is withdrawn and transferred to the file of Sub Court, Neyveli, Cuddalore District. The personal appearance of the respondent/husband before the Sub-Court, is dispensed with for all the hearings till the commencement of trial unless otherwise warranted. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

raja

To

1. The I Additional Family Judge,  
Chennai.
2. The Sub Judge,  
Neyveli, Cuddalore District.

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3522 of 2017

TR(17/01/2018)

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