

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.809 of 2016

and C.M.P.No.20306 of 2016

S.Kala alias Kalaiselvi .. Petitioner

-Vs-

S.Babu .. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw the H.M.O.P.No.247 of 2016 from the file of the Sub Court, Tiruppur and to transfer the same to the Sub Court, Ooty.

For petitioner ... Mr.J.Franklin

For respondent ... No Appearance

O R D E R

The wife has filed this Transfer Civil Miscellaneous Petition to transfer the H.M.O.P.No.247 of 2016 from the file of the Sub Court, Tiruppur to the Sub Court, Ooty.

2. The wife is living in Kothagiri, Nilgiris District and the husband is living in Tiruppur. There are two children out of the wedlock, who are with the mother / petitioner. The wife has filed a petition under Domestic Violence Act in D.V.A.No.2 of 2015 before the Judicial Magistrate, Udthagamandalam. In the meanwhile, the respondent-husband has filed H.M.O.P.No.247 of 2016 for divorce under Section 13 (i) (i-a) of the Hindu Marriage Act before the Sub Court, Tiruppur.

3. It is stated that the petitioner is now residing with her mother along with the children. It is her grievance that her mother is ailing due to old age and hence, she could not accompany the petitioner for travelling from Kothagiri to Tiruppur for each and every hearing of the said H.M.O.P. Further more, the travel hours is about seven hours and she could not spend the amount for every hearing. Hence, she seeks for transfer.

4 Though the respondent had been served with notice and his name having been printed in the cause list, there is no representation for the respondent either in person or through counsel.

5. Taking into consideration the above grievances of the petitioner and also taking note of the fact that in the matrimonial proceedings, the wife's convenience has to be given importance, this Tr.C.M.P is ordered and H.M.O.P.No.247 of 2016 pending on the file of the Sub Court, Tiruppur shall stand withdrawn and transferred to the Sub Court, Ooty. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

To

1. The Sub Judge, Tiruppur
2. The Sub Judge, Ooty

+1cc to Mr.J. Frnaklin, Advocate, S.R.No.13117

mp (CO)
md(18/03/2017)

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and C.M.P.No.20306 of 2016

सत्यमेव जयते

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