

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.03.2018
CORAM
THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.1015 of 2017
and
CMP. No.20729 of 2017

T.Sudha

... Petitioner

Vs

G.Tekkamalai

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. praying to withdraw and transfer the H.M.O.P.No.228 of 2016 on the file of the Sub Court, Pudukkottai to be tried along with H.M.O.P.No.4021 of 2016 on the file of the Principal Family Court Chennai.

For Petitioner : Ms.E.Maragatha Sundari

For Respondent : Mr.V.V.Sathya

O R D E R

This transfer petition is filed by the wife seeking transfer of H.M.O.P.No.228 of 2016 filed by the husband under Section 13 (1) (i-a) of the Hindu Marriage Act, pending on the file of the Sub Court, Pudukkottai for divorce to the Principal Family Court, Chennai, to be tried along with H.M.O.P.No.4021 of 2016, which is filed by the wife under Section 9 of the Hindu Marriage Act, for restitution of conjugal rights.

2. It is stated in the affidavit filed in support of the petition that the petitioner/wife is living at Chennai along with her daughter, who is aged about 3 years and she is depending on her aged parents. It is stated that the petitioner is not able to travel from Chennai to Pudukkottai, being a long distant route, coupled with the fact that she could not afford for the travelling expenses along with the child, for every date of hearing of the case. Further, it is stated that the respondent-husband is working as a Software Engineer in IBM at DLF INFOCITY (SEZ) at Chennai. Hence, she sought for transfer.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials

available on record.

4. The learned counsel appearing for the respondent-husband submitted that the respondent-husband has got no serious objection for ordering the transfer petition.

5. Taking into consideration the above grievances of the petitioner and that in order to avoid multiplicity of proceedings and conflict of decisions between the above two cases and also taking note of the fact that Section 19(iii-a) of the Hindu Marriage Act, which speaks about the convenience of the wife is paramount, this transfer petition is allowed and H.M.O.P.No.228 of 2016 pending on the file of the Sub Court, Pudukkottai is withdrawn and transferred to the file of the Principal Family Court, Chennai to be tried along with H.M.O.P.No.4021 of 2016. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Subordinate Court, Pudukkottai
2. The Principal Judge, Family Court, Chennai

+1 cc to M/s.Sudharshana Sundar Advocate sr 20827
+1 cc to M/s.E.Maragatha Sundari Advocate sr 20544

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