

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.1016 of 2017
and
C.M.P.No.20747 of 2017

P.Dharani

... Petitioner

Vs.

M.Senthilkumar

... Respondent

Prayer:- This Petition is filed under Section 24 of C.P.C., praying to withdraw the petition in H.M.O.P.No.82 of 2017 on the file of the Sub Court, Uthangarai and transfer the same to the file of the Family Court, Erode.

For Petitioner : V.S.Kesavan

For Respondent : served-No appearance

O R D E R

The petitioner/wife has filed this transfer Civil Miscellaneous Petition seeking to withdraw H.M.O.P.No.82 of 2017 pending on the file of the Sub Court, Uthangarai, filed by the respondent/husband under Section 13(1)(i) and (i-a) of the Hindu Marriage Act, 1955, for divorce and to transfer the same to the file of the Family Court, Erode.

2. The petitioner/wife has expressed her difficulties in Paragraph 6 and 7 of the affidavit filed in support of the petition wherein, it is stated that the petitioner along with her two year old child is living with her mother and even to sustain livelihood, she is depending only on her. Hence, it is very difficult for her to bear the travel and other expenses to go to Uthangarai for hearings. Further, she is unable to travel along with her minor child to attend each and every hearing of the case at Uthangarai, which is 200 kms away from her residence. Hence, she sought for transfer.

3. Heard the learned counsel for the petitioner. Though the respondent/husband is served with notice through Court as well as privately even as early as on 05.12.2017, there is no appearance either in person or through counsel.

4. Considering the fact that she is raising the minor child aged three years and also the fact that Section 19(iii-a) of the Hindu Marriage Act, wherein, the convenience of the wife is paramount, it would be appropriate to transfer H.M.O.P.No.82 of 2017 pending on the file of the Sub Court, Uthangarai to the file of the Family Court, Erode.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.82 of 2017 pending on the file of Sub Court, Uthagarai shall stand withdrawn and transferred to the file of the Family Court, Erode. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

/true copy/

Sub Asst. Registrar

srn
To

1. The Sub Court, Uthangarai

2. The Family Court, Erode

+1cc to V.S.Kesavan, Advocate sr.11550

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nr 06/03/2018

सत्यमेव जयते

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