

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.01.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.1021 of 2017

and C.M.P.No.20855 of 2017

K.Rathiprasana

... Petitioner

Vs.

Dr.G.Santhosh Gopal

... Respondent

Prayer:- Petition filed under Section 24 of C.P.C. praying to withdraw the F.C.O.P.No.285 of 2017 on the file of the learned Family Court, Vellore, Vellore District and to transfer the same to the learned Family Court, Coimbatore, Coimbatore District.

For Petitioner : Mr.M.K.Madhubalan

For Respondent : Mr.A.Saranraj

O R D E R

The wife in a matrimonial proceedings has filed the above transfer Civil Miscellaneous Petition seeking to withdraw F.C.O.P.No.285 of 2017 pending on the file of Family Court, Vellore and transfer the same to the file of Family Court, Coimbatore.

2. It is stated that the petitioner-wife has filed a petition under Domestic Violence Act in D.V.A.No.21 of 2017 before the learned VI Judicial Magistrate, Coimbatore. It is only a counter blast to D.V.A.No.21 of 2017, the husband has filed F.C.O.P.No.285 of 2017 on the file of the Family Court, Vellore for dissolution of marriage solemnized between the petitioner and the respondent on 09.06.2017.

3. Admittedly, the respondent-husband is living in Chennai. Neither of the parties are living in Vellore, as on date. Therefore, the convenience of the wife can be considered, as she has stated in paragraph 7 of the affidavit filed in support of the petition that she is residing with her parents at Coimbatore and she is not having any independent income of her own. Hence, she sought for transfer.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

5. Considering the averments made in the affidavit filed in support of the petition and taking into account Section 19(iii-a) of the Hindu Marriage Act, which gives preference for the wife in respect of the place where she resides and also no prejudice would be caused to the respondent-husband, if the said F.C.O.P is transferred to the Family Court, Coimbatore, as he had already been prosecuting the above mentioned D.A.V filed by the wife, this Court feels it appropriate to transfer F.C.O.P.No.285 of 2017 from the file of Family Court, Vellore to the file of Family Court, Coimbatore.

6. However, considering the fact that the respondent-husband is employed in a private sector, his appearance before the Court is dispensed with till the commencement of trial.

7. Accordingly, the transfer petition is allowed and F.C.O.P.No.285 of 2017 from the file of Family Court, Vellore shall stand withdrawn and transferred the same to the file of Family Court, Coimbatore to be tried along with D.A.V.No.21 of 2017, which is already pending. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Judge, Family Court, Vellore.

2. The Judge, Family Court, Coimbatore

+1cc to Mr.MADHUBALAN, Advocate, S.R.No.3149
+1cc to Mr.A.SARANRAJ, Advocate, S.R.No. 3589

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NM(CO)
TR(06/02/2018)