

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.1027 of 2017
and C.M.P.No.20897 of 2017

Bhvaneswari ... Petitioner

Versus

Ramesh ... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.332 of 2017 pending on the file of the Family Court, Erode and transfer the same to the file of the Sub Court, Pollachi, Coimbatore District.

For Petitioner : Mr.C.Veeraraghavan

For Respondent : Mr.A.S.Balaji

O R D E R

The petitioner/wife has filed this Transfer Civil Miscellaneous Petition, seeking transfer of H.M.O.P.No.332 of 2017, pending on the file of Family Court, Erode to the file of Sub Court, Pollachi, Coimbatore.

2. The respondent/husband has filed the above H.M.O.P.No.332 of 2017 under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act, before the Family Court, Erode for dissolution of marriage solemnized between the petitioner and the respondent on 09.07.2009.

3. In paragraph 5 of the affidavit filed in support of the petition, it is stated that the petitioner-wife is staying at Pollachi with her aged mother along with her minor son, who is aged about six years. Besides, she has expressed her difficulty in travelling from Pollachi to Erode along with the minor child, which is more than 100 kms away from her residence. Hence, the transfer is sought for.

4. Heard the learned counsel for the petitioner as well as learned counsel for the first respondent.

5. Though it is not mandatory for both the parties to appear before Sub Court, this Court is dispensing with the appearance of the respondent-husband before the Court till the commencement of trial.

6. Considering the averments made in the transfer petition and also Section 19(iii-a) of the Hindu Marriage Act, which speaks about the convenience of the wife is paramount, this Court is inclined to transfer H.M.O.P.No.332 of 2017 from the file of Family Court, Erode to the file of Sub Court, Pollachi, Coimbatore District.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.332 of 2017 pending on the file of Family Court, Erode District is withdrawn and transferred to the file of Sub Court, Pollachi. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

rsi

To

1. The Family Court, Erode

2. The Sub Court, Pollachi, Coimbatore District.

+lcc to Mr.A.S.Balaji, Advocate SR.No.21013

+lcc to Mr.C.Veeraraghavan, Advocate SR.No.20866

सत्यमेव जयते

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GN(06/04/2018)

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