

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.1032 of 2017
and
C.M.P.No.21029 of 2017

Revathi ... Petitioner

Versus

Sivaprakasam ... Respondent

Prayer: The transfer petition is filed under Section 24 of C.P.C praying to withdraw the H.M.O.P.No.110 of 2017 pending on the file of the Sub Court, Cheyyar and transfer the same to the Sub Court, Poonamallee

For Petitioner : Mr.S.Silambu Selvan

For Respondent : Mr.S.Makesh

O R D E R

The Transfer Civil Miscellaneous Petition is filed by the petitioner/wife in the matrimonial proceedings seeking to withdraw H.M.O.P.No.110 of 2017 filed by the respondent/husband under Section 13(1)(i-a) of the Hindu Marriage Act for divorce, pending on the file of Subordinate Court, Cheyyar and transfer the same to the file of Subordinate Court, Poonamallee

2. In paragraph 5 of the affidavit, it is stated that the petitioner/wife is residing in Chennai along with her daughter and the distance between Chennai and Cheyyar is 110 kms. Therefore, the petitioner finds it difficult for her to travel along with her daughter. Hence, the transfer is sought for.

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

4. Learned counsel for the respondent-husband suggested that the matter may be transferred to Kancheepuram, which would be a center place for both the parties. The said suggestion is not possible because both the parties have to travel a long

distance. If the said H.M.O.P.is transferred to Sub Court, Poonamallee as prayed for by the petitioner-wife, only the respondent-husband may have to travel, by which, at least the ordeal of travel of wife is saved. However, considering the convenience of the respondent-husband, the appearance of the respondent-husband is dispensed with till the commencement of trial.

5. Considering the convenience of the parties and also Section 19(iii-a) of the Hindu Marriage Act, in which, the wife has been given a special privilege of filing a petition wherever she is residing, this Court is of the view that H.M.O.P.No.110 of 2017 may be transferred to Subordinate Court, Poonamallee.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed by withdrawing H.M.O.P.No.110 of 2017, pending on the file of Subordinate Court, Cheyyar and transferring the same to the file of Subordinate Court, Poonamallee. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

srn

To

1. The Subordinate Judge, Cheyyar
2. The Subordinate Judge, Poonamallee

+1cc to Mr.S.Silambu Selvan, Advocate SR.No.21269
+1cc to Mr.S.Makesh, Advocate SR.No.21718

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GN(12/04/2018)