

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.1039 of 2017
and C.M.P.No.21166 of 2017

Divya

... Petitioner

versus

Arul Manickavasagam

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.168 of 2016 on the file of the Sub Court, Nagapattinam and transfer to Family Court, Thanjavur.

For Petitioner : Mr.Sudharshana Sunder

For Respondent : Served - No appearance

O R D E R

The Transfer Civil Miscellaneous petition is filed by the petitioner/wife in the matrimonial dispute seeking to withdraw H.M.O.P.No.168 of 2016, pending on the file of Sub Court, Nagapattinam, filed by the respondent/husband under Section 9 of the Hindu Marriage Act for restitution of conjugal rights and transfer the same to the file of Family Court, Thanjavur.

2. Heard the learned counsel for the petitioner. Though the respondent is served with notice, he has not entered appearance either in person or through his counsel.

3. From the averments made in the affidavit filed in support of the petition, it is seen that the petitioner/wife is living in Thanjavur. In paragraph 6 of the affidavit she expressed her difficulty in travelling about 150 kms. from Thanjavur to Nagapattinam along with her minor child for each hearing. Hence, the petitioner/wife has sought for the above transfer.

4. Considering the convenience of the parties and also Section 19(iii-a) of the Hindu Marriage Act, which gives preference for the wife in respect of the place where she

resides, it would be appropriate to transfer H.M.O.P.No.168 of 2016, pending on the file of Sub Court, Nagapattinam to the file of Family Court, Thanjavur.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.168 of 2016, pending on the file of Sub Court, Nagapattinam shall stand withdrawn and transferred to the file of Family Court, Thanjavur. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

rsi

To

1. The Subordinate Judge,
Nagapattinam.
2. The Family Judge,
Thanjavur.

+1cc to Mr.Sudharshana Sundar, Advocate SR.No.8837

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GN(21/02/2018)

सत्यमेव जयते

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