

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.1060 of 2017
and C.M.P.No.21593 of 2017

Cholammadevi ... Petitioner

versus

K. Ukkaravel ... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw the H.M.O.P.No.24 of 2017 on the file of the Subordinate Court, Ulundurpet and transfer the same to the Family Court, Madurai.

For Petitioner : Mr.R.Amardeep
For M/s.Tamizh Law Firm

For Respondent : Mr.C.Munusamy

ORDER

The petitioner/wife has filed this Transfer Civil Miscellaneous Petition seeking transfer of H.M.O.P.No.24 of 2017, pending on the file of Subordinate Court, Ulundurpet to the file of Family Court, Madurai.

2. The petitioner/wife had originally filed H.M.O.P.No.56 of 2016, before the Subordinate Judge, Villupuram under Section 13 (1)(i-a) of the Hindu Marriage Act for divorce, which was subsequently transferred to the Subordinate Court, Ulundurpet for administrative reasons and re-numbered as H.M.O.P.No.24 of 2017.

3. Heard the learned counsel for the petitioner as well as the learned counsel for the respondent.

4. In the affidavit it is stated by the petitioner/wife that she is now moved to Madurai and is living with her minor child, who is studying in a School and it is also difficult for her to travel alone along with her minor child from Madurai to Ulundurpet for each hearing.

5. The learned counsel appearing for the respondent/husband stated that the respondent is a Lorry Driver and it would also difficult for him to go to Madurai.

6. Considering the convenience of the wife as stated in Section 19(iii-a) of the Hindu Marriage Act, which gives privilege to the wife for filing a petition where she resides, this Court is of the view that H.M.O.P.No.24 of 2017, pending on the file of Subordinate Court, Ulundurpet could be transferred to the file of Family Court, Madurai.

7. Accordingly, the Transfer Civil Miscellaneous petition is allowed and H.M.O.P.No.24 of 2017, pending on the file of Subordinate Court, Ulundurpet shall stand withdrawn and transferred to the file of Family Court, Madurai. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

rsi

To

1. The Subordinate Judge,
Ulundurpet.

2. The Family Judge,
Madurai.

+1cc to Mr.C.Munusamy, Advocate SR.No.8071

सत्यमेव जयते

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GN(21/02/2018)

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