

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.01.2018
CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.1068 of 2017
and C.M.P.No.22095 of 2017

K.V.Nithya Prabha

... Petitioner

Versus

S.S.Arul Kumar

... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the H.M.O.P.No.65 of 2014 pending before the Family Court, Erode and transfer the same to the Family Court, Chennai or any other Court of competent jurisdiction by appreciating the above said facts and circumstances of the case.

For Petitioner : Mr.M.Guruprasad

For Respondent : served-No Appearance

O R D E R

The petitioner/wife has filed this Transfer Civil Miscellaneous Petition, seeking transfer of H.M.O.P.No.65 of 2014, pending on the file of Family Court, Erode to the file of Family Court, Chennai.

2. The respondent/husband has filed the above H.M.O.P.No.65 of 2014 under Section 13(1)(i-a) of the Hindu Marriage Act, before the Principal Subordinate Judge, Erode for dissolution of marriage solemnized between the petitioner and the respondent on 02.06.2010.

3. In paragraph 8 of the affidavit filed in support of the petition, the petitioner-wife has stated that she is working in IDBI Bank, Ambattur, Chennai and at present, she is living with her mother in Chennai. Further, she has to take care of her daughter, aged about 6 years, who is also studying in Chennai. It is also stated that the petitioner is unable to travel all the way to Erode for each and every hearing and that her mother is aged and she could not accompany her besides she is bearing all the expenses for her daughter and aged mother. Hence, transfer is sought for.

4. Heard the learned counsel for the petitioner and perused the materials available on record. Though the respondent served with notice and his name has been printed in the cause list, there is no representation for the respondent either in person or through counsel.

5. Considering Section 19(iii-a) of the Hindu Marriage Act, which gives importance to the convenience of the wife, this Court is inclined to transfer H.M.O.P.No.65 of 2014 from the file of Family Court, Erode to the file of Family Court, Chennai.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.65 of 2014, pending on the file of Family Court, Erode shall stand withdrawn and transferred to the file of Family Court, Chennai. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Judge, Family Court, Erode
2. The Judge, Family Court, Chennai.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.3716

सत्यमेव जयते

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AK (CO)

RRK(02/02/2018)

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