

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.CMP.No.1093 of 2017
and CMP.No.22465 of 2017

Kanagavalli

...Petitioner

Vs

Shakthivelan

...Respondent

Transfer Civil Miscellaneous Petition is filed to withdraw HMOP.No.210 of 2017 pending on the file of the learned Sub-Court, Poonamallee, Chennai, and transfer the same to the file of the learned Sub-Court, Madurantakam.

For Petitioner : Mr.G.Magesh Kumar

For Respondent : Ms.S.Sridevi

O R D E R

The wife is the petitioner herein, seeks transfer of HMOP.No.210 of 2017 filed by the respondent herein from the file of the learned Sub-Court, Poonamallee, Chennai, to the file of the learned Sub-Court, Madurantakam.

2. In the affidavit filed by the petitioner in support of this petition, it is stated that the marriage between the petitioner and the respondent was solemnized on 26.07.2004, and out of the wedlock, a girl child was born to them. Since the respondent disowned his duties towards the petitioner, she has filed maintenance case in MC.No.8 of 2015 on the file of the learned Judicial Magistrate, Madurantakam and has also filed DVC.No.9 of 2015 for other reliefs under Domestic Violence Act, before the same Court.

3. Since the respondent herein, has already been appearing in the above said two cases filed by the petitioner, there will not be any opposition for him, if the HMOP.No.210 of 2017 transferred to the file of the Sub-Court, Madurantakam from the file of the Sub-Court, Poonamallee, Chennai.

4. Considering the averments made in the affidavit filed in support of this petition and the fact that Section 19(iii-a) of

the Hindu Marriage Act, gives preference for the wife in respect of the place where she resides, this Court feels it is appropriate to withdraw HMOP.No.210 of 2017 pending on the file of the learned Sub-Court, Poonamallee, Chennai, and transfer the same to the file of the learned Sub-Court, Madurantakam.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and HMOP.No.210 of 2017 pending on the file of the learned Sub-Court, Poonamallee, Chennai, is to be withdrawn and transferred to the file of the learned Sub-Court, Madurantakam. The personal appearance of both the parties, before the learned Sub-Court Madurantakam, is dispensed with for all the hearings till the commencement of trial unless otherwise warranted. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

raja

To

1. The Sub-Court,
Poonamallee.
2. The Sub-Court,
Madurantakam.

+1 CC to Ms.S. Sridevi, Advocate sr 17612.

सत्यमेव जयते

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SP(22/03/2018)

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