

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.165 of 2017
and C.M.P.No.3002 of 2017

S. Neetha

... Petitioner

versus

A. Parthiban

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw and transfer H.M.O.P.No.630 of 2016 pending before the Principal Subordinate Judge at Poonamallee to the learned Principal Sub Court at Arakkonam.

For Petitioner : Ms.E.Angayarkanni

For Respondent : Served - No appearance

O R D E R

The Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking transfer of H.M.O.P.No.630 of 2016, pending on the file of Principal Sub Court, Poonamallee, filed by the respondent/husband for divorce on the ground of cruelty under Section 13(1)(ia) of the Hindu Marriage Act, to the file of Principal Sub Court, Arakkonam.

2. From the affidavit filed in support of the petition, it is seen that the petitioner/wife is residing in Arakkonam and a minor child born out of the wedlock, who is aged about 1½ years, is also living with the mother. She expressed her difficulty in travelling from Arakkonam to Poonamallee along with her child for each hearing. Further, she finds it difficult to travel alone as her parents are aged and sick. Besides, the petitioner/wife has also filed a petition in M.C.No.1 of 2017 under Section 125 of Cr.P.C. for maintenance, which is pending before the Judicial Magistrate Court, Arakkonam and the respondent/husband is appearing in the said Court. Hence, it would not be prejudicial to him to appear in the H.M.O.P., if it transferred to the Sub Court, Arakkonam.

3. Heard the learned counsel for the petitioner. Though notice has been served on the respondent, there is no representation either in person or through counsel.

4. Considering the convenience of the parties and also Section 19(iii) 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.630 of 2016, pending on the file of Principal Sub Court, Poonamallee to the file of Principal Sub Court, Arakkonam.

5. Accordingly, the Transfer Civil Miscellaneous petition is allowed by withdrawing H.M.O.P.No.630 of 2016, pending on the file of Principal Sub Court, Poonamallee and transferring the same to the file of Principal Sub Court, Arakkonam. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Principal Sub Judge,
Poonamallee.
2. The Principal Sub Judge,
Arakkonam.

+1cc to Mr.E.Angayarkanni, Advocate, S.R.No.6654

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RRK (22/02/2018)

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