

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.213 of 2017
and C.M.P.No.3881 of 2017

K. Vasanthapriya

... Petitioner

vs.

G. Suresh

... Respondent

Prayer: The petition is filed under Section 24 of C.P.C. praying to withdraw the case in H.M.O.P.No.1203 of 2016 pending on the file of the Family Court, Coimbatore and transfer the same to the learned Principal Sub Court, Virudhachalam, Cuddalore District.

For Petitioner : Mr.T.Sivagnanasambandan

For Respondent : Sd- No appearance

O R D E R

The petitioner/wife is seeking transfer of H.M.O.P.No.1203 of 2016 filed by the respondent/husband under Section 13(1) (i-a) & (i-b) of the Hindu Marriage Act, before the Principal Family Judge, Coimbatore for dissolution of marriage solemnized between the petitioner and respondent on 20.02.2011 to the file of Principal Sub Court, Virudhachalam.

2. It is stated in the affidavit filed in support of the petition that the petitioner/wife is living with her parents along with her child at Veppur village, Cuddalore District and is also jobless. It is also complained that the respondent/husband was not paying any maintenance to the petitioner. She expressed her difficulty in travelling from Veppur to Coimbatore to attend each hearing, which is about 380 kms and there is only one train to Coimbatore from Virudhachalam, which is about 14 kms from Veppur. Hence, the petitioner is sought for the above transfer.

3. Heard the learned counsel for the petitioner. Though the respondent was 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.

4. Considering Section 19(iii-a) of the Hindu Marriage Act, which gives preference for the wife in respect of the place where she resides, this Court is inclined to transfer H.M.O.P.No.1203 of 2016, pending on the file of Principal Family Court, Coimbatore to the file of Principal Sub Court, Virudhachalam.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed by withdrawing H.M.O.P.No.1203 of 2016, pending on the file of Principal Family Court, Coimbatore and transferring the same to the file of Principal Sub Court, Virudhachalam, Cuddalore District. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Principal Family Court Judge,
Coimbatore.
2. The Principal Sub Judge,
Virudhachalam,
Cuddalore District.

+1 cc to Mr.T.Sivagnanasambandan Advocate sr 346

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