

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.334 of 2017

and C.M.P.No.6624 of 2017

K.Muthumeenakshi ... Petitioner/Respondent
vs.
C.Gopalakrishnan .. Respondent/Petitioner

Prayer: The Transfer Civil Miscellaneous Petition has filed under Section 24 of C.P.C. praying to withdraw the petition in H.M.O.P.No.57 of 2017 on the file of the Family Court, Erode and transfer the same to the Sub Court, Tiruppur.

For Petitioner : Mr.K.Myilsamy
For Respondent : Mr.T.M.Hariharan

O R D E R

The petitioner/wife in a matrimonial proceedings has filed the above Transfer Civil Miscellaneous Petition, seeking to withdraw H.M.O.P.No.57 of 2017, pending on the file of Family Court, Erode and transfer the same to the file of Sub Court, Tiruppur.

2. The respondent/husband has filed the above H.M.O.P.No.57 of 2017 under Section 13(1)(i-a) of Hindu Marriage Act, before the Family Court, Erode, for dissolution of marriage held between the petitioner and the respondent.

3. It is the grievance of the petitioner that she is living along with her aged and ailing parents at Tiruppur and she has a daughter, who is studying Pre.KG at Tiruppur. The petitioner is unable to travel 125 kms from Tiruppur to Erode along with her child, coupled with the fact that she could not afford the travelling expenses, for every date of hearing of the case. It is also stated that her parents are aged and they could not accompany her. Hence, the transfer is sought for.

4. Heard the learned counsel for the petitioner as well as learned counsel for the respondent. Learned counsel appearing for the respondent opposed for transfer from Erode to Tiruppur.

5. Though the respondent-husband had objected to the transfer, considering the averments made in the affidavit and also Section 19(iii-a) 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.57 of 2017 from the file of Family Court, Erode to the file of Sub Court, Tiruppur.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.57 of 2017 pending on the file of the Family Court, Erode shall stand withdrawn and transferred to the file of the Sub Court, Tiruppur. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

ASSISTANT REGISTRAR

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1. The Judge, Family Court, Erode

2. The Sub Judge, Tiruupur

+1 CC to Mr.Mr.K.Myilsamy Advocate SR.NO.1227

+1 CC to Mr.T.M.Hariharan Advocate SR.NO.1414

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GJ-II(CO)

VC (01/02/2018)

सत्यमेव जयते

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