

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:15.03.2018
CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA
Tr.C.M.P. No.377 of 2017
and C.M.P.No.7354 of 2017

S. Sumitha

... Petitioner

versus

M.N. Sivagnanam

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw the proceedings pending in H.M.O.P.No.29 of 2017 from the file of Subordinate Court, Rasipuram and transfer the same to any other competent Court at Karur.

For Petitioner : Mr.E.K.Kumaresan

For Respondent : Mr.B.Vasudevan

O R D E R

Earlier, this Court, on 09.10.2017 had directed the matter to be placed before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras. The mediation report dated 29.01.2018 has been received from the Mediation Centre stating that the parties were unable to arrive at an amicable settlement and therefore, the matter is referred back to this Court.

2. The petitioner/wife in the matrimonial disputes has filed this Transfer Civil Miscellaneous Petition seeking to withdraw H.M.O.P.No.29 of 2017 filed by the respondent/husband under Section 13(1)(i-a) of the Hindu Marriage Act for divorce, pending on the file of Subordinate Court, Rasipuram and transfer the same to any other competent Court at Karur.

3. In paragraph 6 of the affidavit filed in support of the petition, it is stated that the petitioner/wife is taking care of the minor child born out of the wedlock, who is studying in Third Standard at Karur and the respondent/husband did not provide any maintenance to them. Further, it is stated that the petitioner/wife is unemployed and has no source of income. She finds it difficult to leave the child and attend the hearing at Rasipuram. Hence, she sought for the transfer.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent. The learned counsel for the respondent/husband has got no serious objection for transferring the O.P. to any of the Subordinate Courts in Karur.

5. Considering the grievances of the petitioner/wife and also Section 19(iii-a) of the Hindu Marriage Act, which mandates that the convenience of the wife has to be considered, this Court is inclined to transfer H.M.O.P.No.29 of 2017 from the file of Subordinate Court, Rasipuram to the file of Subordinate Court, Karur.

6. Accordingly, the Transfer Civil Miscellaneous petition is allowed and H.M.O.P.No.29 of 2017, pending on the file of Subordinate Court, Rasipuram is transferred to the file of Subordinate Court, Karur. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Subordinate Judge,
Rasipuram.

2. The Subordinate Judge,
Karur.

+lcc to M/s.E.K.Kumaresan, Advocate SR.No.19847

PPA(CO)

sm:3.4.2018

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