

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2018

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.448 of 2017
and C.M.P.No.9198 of 2017

K.Janaki @ Suhasini .. Petitioner

-Vs-

R.Chandramohan @ Balaji .. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw and transfer the above H.M.O.P.No.1 of 2017 on the file of the Subordinate Court, Poonamallee and transfer the same to the file of the Family Court, Madurai.

For petitioner ... Mr.R.Rengaramanujam
For respondent ... served-No Appearance

O R D E R

The wife in a matrimonial dispute has filed this Transfer Civil Miscellaneous Petition seeking to transfer the H.M.O.P.No.1 of 2017 pending on the file of the Sub Court, Poonamallee to the file of the Family Court, Madurai.

2. The respondent-husband has filed the above H.M.O.P.No.1 of 2017 under Section 13(1) (i-a) of the Hindu Marriage Act on the file of the Sub Court, Poonamallee for dissolution of marriage held between the petitioner and respondent on 02.12.2010. Subsequently, the petitioner-wife has filed a petition in H.M.O.P.No.326 of 2017 under Section 9 of the Hindu Marriage Act on the file of the Family Court, Madurai for restitution of conjugal rights.

3. It is stated by the petitioner-wife in the affidavit filed in support of the petition that she is living with her parents at Madurai along with her son. The petitioner-wife finds it very difficult to attend the Court proceedings at Poonamallee, which is about 450 kms away from Madurai and moreover she has to care of her son, who is studying at Madurai. Further, it is also stated that she could not afford travelling expenses to attend all hearing at Poonamallee owing to her financial difficulties. Hence, she sought for transfer.

4. Heard the learned counsel for the petitioner and perused the materials available on record. Though the respondent-husband has been served with notice through Court as early as on 15.07.2017, there is no representation for him either in person or through counsel.

5. Taking into consideration the above grievance expressed by the petitioner and also taking into the fact that in order to avoid multiplicity of proceedings and conflict of decisions between the above two cases 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 transfer is allowed and H.M.O.P.No.1 of 2017 pending on the file of the Sub Court, Poonamallee is withdrawn and transferred to the file of the Sub Court, Madurai to be tried along with H.M.O.P.No.326 of 2017. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Sub Court, Poonamallee
2. The Sub Court, Madurai

+1cc to Mr.R.RENGARAMANUJAM, Advocate, S.R.No. 17705

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TR(09/04/2018)

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