IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.456 of 2017
and C.M.P.No.9350 of 2017

Gomathi ... Petitioner

Vs.

Parasuraman ... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., praying to withdraw the H.M.O.P.No.4 of 2016 on the file of the Family Court, Villupuram and transfer to the Family Court, Chennai.

For Petitioner : Mr.C.Munusamy
For Respondent : Ms.R.Poornima

O R D E R

The petitioner/wife in the matrimonial dispute has filed this Transfer Civil Miscellaneous Petition, seeking to withdraw H.M.O.P.No.4 of 2016 filed by the respondent/husband under Section 13(1) (i) of the Hindu Marriage Act for divorce, pending on the file of the Family Court, Villupuram and transfer the same to the file of the Family Court, Chennai.

2. In paragraph 4 of the affidavit, it is stated that the petitioner/wife is presently living in Chennai with her brother and it would be very difficult for her to go to Family Court, Villupuram for attending each and every hearing. Hence, she is seeking transfer to Family Court, Chennai.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. The transfer is resisted by the respondent/husband stating that the he has filed the proof affidavit in the said H.M.O.P and it is posted for cross examination. It is also admitted that the maintenance petition filed by the wife is still pending and not yet disposed of and without disposing of the said I.A, the trial could not be commenced.

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5. Considering the submissions made by the learned counsels on both sides and also Section 19(iii-a) of the Hindu Marriage Act gives preference for the wife in respect of the place where she resides, this Court deems it fit to transfer the said H.M.O.P.No.4 of 2016 to Family Court, Chennai.

6. Considering the convenience of the parties, the appearance of the parties before the transferee Court is dispensed with till the commencement of the trial.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.4 of 2016 pending on the file of the Family Court, Villupuram is withdrawn and transferred to the file of Family Court, Chennai. No Costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

srn
To
1. The Family Court, Villupuram

2. The Family Court, Chennai.

+1 CC to Mr.C. Munusamy, Advocate sr 17570.

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and C.M.P.No.9350 of 2017

MR(CO)
SP(06/04/2018)

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