

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.458 of 2017

and C.M.P.No.9371 of 2017

N. Yamuna @ Dhivya ... Petitioner/Respondent

versus

P. Padmanabhan ... Respondent/Petitioner

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.61 of 2016 from the file of the Subordinate Court at Arni, Tiruvanamalai District and to transfer the same to the Family Court, Vellore.

For Petitioner : Mr.S.William

For Respondent : Sd-No appearance

ORDER

The petitioner/wife is seeking transfer of H.M.O.P.No.61 of 2016 filed by the respondent/husband under Section 13(1)(i)(i-a) of the Hindu Marriage Act, pending on the file of Sub Court, Arni, for divorce on the ground of desertion and cruelty to the file of Family Court, Vellore.

2. The reasons for transfer is stated in paragraph 11 and 12 of the affidavit filed in support of the petition, as the petitioner is living in Bangalore and working in BPO with hard working hours. Hence, the transfer has been sought for.

3. Heard the learned counsel for the petitioner. Though notice has been served on the respondent through Court as well as privately, he has not cared to appear before this Court either in person or through counsel.

4. Considering the averments and also Section 19(iii-a) of the Hindu Marriage Act, where the wife has been given privilege of filing the petition wherever she is residing, this Court is

inclined to transfer H.M.O.P.No.61 of 2016, from the file of Sub Court, Arani to the file of Family Court, Vellore.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed by withdrawing H.M.O.P.No.61 of 2016, pending on the file of Sub Court, Arani, Thiruvanamalai District and transferring the same to the file of Family Court, Vellore. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub Judge,
Arani, Thiruvanamalai District.
2. The Judge, The Family Court,
Vellore.

+1cc to Mr.S.WILLIAM, Advocate, S.R.No. 1659

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RSY(CO)
TR(08/02/2018)

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