

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.03.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.464 of 2017
and C.M.P.No.9522 of 2017

R. Jeevitha

... Petitioner

versus

S. Thanigaivel

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to transfer H.M.O.P.No.72 of 2016 pending on the file of the Hon'ble Sub Court, Arani and transfer the same to the file of Hon'ble Sub Court, Hosur or any other Court for disposal on merits.

For Petitioner : Mr.L.Kishore

For Respondent : No appearance

O R D E R

The petitioner/wife in the matrimonial disputes has preferred the above Transfer Civil Miscellaneous Petition seeking to withdraw H.M.O.P.No.72 of 2016 filed by the respondent/husband under Section 9 of the Hindu Marriage Act for restitution of conjugal rights, pending on the file of Subordinate Court, Arani and transfer the same to the file of Subordinate Court, Hosur.

2. In paragraph 5 of the affidavit it is stated that the petitioner/wife is residing at Bangalore with her aged parents and they are unable to accompany her for each hearing at Arani, which is nearly 300 kms away from Bangalore and takes nearly 7 hours to reach by bus. She is also dependant on her parents. Further, it is stated that the petitioner has filed C.Misc.No.93 of 2016 under Section 12 of the Protection of Women from Domestic Violence Act, before the III M.M.T.C. Court at Bangalore. It is also stated that as the petitioner is living in Bangalore, the nearest place for her is Hosur. Hence, she is seeking transfer to Subordinate Court, Hosur.

3. Heard the learned counsel for the petitioner. Though notice has been served on the respondent and he had entered appearance through one counsel Mr.D.Kumar, there was no representation on behalf of the respondent on 08.03.2018 and

the matter was adjourned to one week. Today (i.e. on 15.03.2018) also there is no representation for the respondent either in person or through counsel. Though the respondent/husband has given his address in Arani, it is represented by the learned counsel for the petitioner that the respondent is employed only in Chennai.

4. In the above circumstances, considering the convenience of the wife 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, this Court feels it appropriate to transfer H.M.O.P.No.72 of 2016 from the file of Subordinate Court, Arani to the file of Subordinate Court, Hosur.

5. Accordingly, the Transfer Civil Miscellaneous petition is allowed by withdrawing H.M.O.P.No.72 of 2016, pending on the file of Subordinate Court, Arani and transferring the same to the file of Subordinate Court, Hosur. The appearance of the parties is dispensed with till the completion of the pleadings, and thereafter till the commencement of the trial. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Subordinate Judge,
Arani.

2. The Subordinate Judge,
Hosur.

+1cc to Mr.L.Kishore, Advocate Sr.No.20850

VGI (CO)
sm:3.4.2018

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