

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.472 of 2017

and C.M.P.No.9707 of 2017

Priyadharshini

... Petitioner

versus

Samynathan@Nallasamy

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.24 of 2016, pending on the file of the Subordinate Court, Sathyamangalam and transfer the same to be tried before the Principal Family Court at Coimbatore.

For Petitioner : Mr.C.R.Prasanan

For Respondent : Mr.B.Kumarasamy

O R D E R

The petitioner/wife in the matrimonial dispute has filed this Transfer Miscellaneous Petition seeking transfer of H.M.O.P.No.24 of 2016 filed by the respondent/husband for divorce under Section 13(i) of the Hindu Marriage Act, pending on the file of Subordinate Court, Sathyamangalam to the file of Principal Family Court, Coimbatore.

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

3. In paragraph 4 of the affidavit, it is stated that the petitioner/wife is very poor and having a child, who is also with her. She has got no independent income of her own. As she is residing in Coimbatore, it is difficult for her to travel about 2 ½ hours to go to Sathyamangalam for each of the hearing and engage services of an advocate there. It is stated that the respondent/husband has filed his proof affidavit in it and it is posted for the cross examination by the wife. As the wife finds it difficult to go to Sathyamangalam, the transfer is sought for to Family Court, Coimbatore. The respondent/husband is said to

be a trader and it could not be difficult for him to travel to Coimbatore and since the said matter has already reached the stage of trial, it would take only few hearings, for which no prejudice would be caused to the respondent/husband to travel to Coimbatore.

4. In the above circumstances, considering 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 is inclined to transfer H.M.O.P.No.24 of 2016 from the file of Subordinate Court, Sathyamangalam to the file of Principal Family Court, Coimbatore.

5. Accordingly, the Transfer Civil Miscellaneous petition is allowed and H.M.O.P.No.24 of 2016, pending on the file of Subordinate Court, Sathyamangalam is transferred to the file of Principal Family Court, Coimbatore. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Subordinate Judge,
Sathyamangalam.
2. The Principal Family Judge,
Coimbatore.

+1cc to Mr.C.R.PRASANAN, Advocate, S.R.No. 15667
+1cc to Mr.B.KUMARASAMY, Advocate, S.R.No. 16363

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TR(20/03/2018)

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