

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.501 of 2017
and C.M.P.No.10313 of 2017

J. Meena

... Petitioner

versus

N. Jeyachandran

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw the petition in O.P.No.54 of 2016 on the file of the Sub Court, Poonamallee and transfer the same to the Family Court, Trichy.

For Petitioner : Mr.S.Giritharan
For Respondent : Sd-No appearance

O R D E R

The petitioner/wife in the matrimonial proceedings has filed this Transfer Civil Miscellaneous petition, seeking to withdraw H.M.O.P.No.54 of 2016, pending on the file of Sub Court, Poonamallee and transfer the same to the file of Family Court, Tiruchirapalli.

2. H.M.O.P.No.54 of 2016 was filed by the respondent/husband under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act, before the Sub Court, Poonamallee for dissolving the marriage held between the petitioner and the respondent on 14.11.1980. Earlier, the petitioner/wife has filed a petition in M.C.No.107 of 2014 under Section 127 of Cr.P.C., before the Family Court, Tiruchirapalli for enhancing of maintenance amount and was disposed of on 01.09.2016.

3. In paragraph 7 of the affidavit filed in support of the petition, the petitioner/wife has stated that the distance between Trichy to Poonamallee is nearly 317 kms. and it is very difficult for her to travel such a distance, in addition to she may have incurred huge travelling expenses in this regard.

4. Heard the learned counsel for the petitioner. Though notice has been served on the respondent through Court as well as privately, he has not entered appearance either in person or through counsel.

5. Considering Section 19(iii-a) of the Hindu Marriage Act, which speaks about the convenience of the wife is paramount, this Court is inclined to transfer H.M.O.P.No.54 of 2016, pending on the file of Sub Court, Poonamallee to the file of Family Court, Tiruchirapalli.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed by withdrawing H.M.O.P.No.54 of 2016, pending on the file of Sub Court, Poonamallee and transferring the same to the file of Family Court, Tiruchirapalli. No Costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

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To

1. The Sub Court
Poonamallee.
2. The Family Court
Tiruchirapalli.

+1 CC to Mr.S. Giritharan, Advocate sr 1398.

Tr.C.M.P.No.501 of 2017
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SSD(CO)
SP(08/02/2018)