

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.505 of 2017

and C.M.P.No.10431 of 2017

V. Rekha ... Petitioner

versus

K. Chittibabu ... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw and transfer H.M.O.P.No.37 of 2017 pending on the file of the Sub Judge at Cheyyar to Family Court at Chennai.

For Petitioner : Mr.M.Ravikumar

For Respondent : Mr.T.Gopinathan

O R D E R

The petitioner/wife has filed the above Transfer Civil Miscellaneous petition in the matrimonial proceedings, seeking transfer of H.M.O.P.No.37 of 2017, pending on the file of Sub Court, Cheyyar to any of the Family Courts in Chennai. The said H.M.O.P. was filed by the respondent/husband under Section 13(1) (i-a) of the Hindu Marriage Act, before the Sub Judge, Cheyyar for dissolution of marriage held between the petitioner and respondent on 10.02.2016.

2. In paragraph 7 of the affidavit filed in support of the petition, it is stated that the petitioner/wife is presently living in her parent's home at West Mambalam and the respondent/husband is also working at Kancheepuram. It is also stated that D.V.No.209 of 2016 is also filed by the petitioner/wife, which is pending before the XVII Metropolitan Magistrate Court at Saidapet, Chennai. She has expressed difficulty to come to Cheyyar all the way from Chennai. Hence, the petitioner has sought for the above transfer.

3. Heard the learned counsel for the petitioner as well as learned counsel for the respondent.

4. Though objected by the learned counsel for the respondent/husband, considering the convenience of the parties 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 is inclined to transfer H.M.O.P.No.37 of 2017, pending on the file of Sub Court, Cheyyar to the file of Family Court, Chennai.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed by withdrawing H.M.O.P.No.37 of 2017, pending on the file of Sub Court, Cheyyar and transferring the same to any of the Family Courts in Chennai. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

rsi
To

1. The Sub Judge,
Cheyyar.
2. The Judge, Family Court,
Chennai.

+1cc to Mr.M.RAVIKUMAR, Advocate, S.R.No. 2768
+1cc to Mr.T.GOPINATHAN, Advocate, S.R.No. 2961

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GJ(CO)
TR(13/02/2018)

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