

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.561 of 2017
and
CMP.No.11541 of 2017

Mrs.Durgalakshmi

...

Petitioner

Versus

Mr.M.Saravanan

...

Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw and transfer H.M.O.P.No.2170 of 2017 pending before the Principal Family Judge, Chennai to the learned Principal Sub Court at Poonamallee.

For Petitioner : Mr. E.Aangayarkanni

For Respondent : Mr.Ramesh Kumar Chopra

O R D E R

This Transfer Civil Miscellaneous Petition has been filed by the petitioner/wife seeking to withdraw H.M.O.P.No.2170 of 2017 from the file of Principal Family Court, Chennai and transfer the same to the Subordinate Court, Poonamallee.

2. In the affidavit filed in support of this petition, it is stated that the marriage between the petitioner and the respondent was solemnized on 11.09.2011 and out of their wedlock a male child was born to them on 30.09.2012. Due to the misunderstanding between them, the petitioner left the matrimonial home along with her child and now residing with her aged parents. It is further stated that the petitioner/wife has filed the maintenance petition in M.C.No.2 of 2017, before the Judicial Magistrate, Ambattur and the same was allowed on 28.04.2017. The petitioner further states that it would be extremely difficult for her to travel from Ambattur to Parris with her four year old child to attend the hearings in H.M.O.P.No.2170 of 2017. Hence, the petitioner has filed this petition seeking transfer of H.M.O.P.No.2170 of 2017 pending on the file of Principal Family Court, Chennai to the Subordinate Court, Poonamallee.

3. Heard both sides.

4. Considering the averments made in the affidavit filed in support of this petition and the fact that Section 19(iii-a) of the Hindu Marriage Act, gives preference for the wife in respect of the place where she resides, this Court deems it fit to transfer the said H.M.O.P.No.2170 of 2017 pending on the file of Principal Family Court, Chennai to the Principal Subordinate Court, Poonamallee.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the proceedings pending in H.M.O.P.No.2170 of 2017 pending on the file of Principal Family Court, Chennai is withdrawn and transferred to the Principal Subordinate Court, Poonamallee. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Family Court, Chennai.
 2. The Principal Subordinate Court, Poonamallee.
- +lcc to Mr.E.Angayarkanni, Advocate, S.R.No.4969

Tr.C.M.P.No.561 of 2017

RRK(31/01/2018)

सत्यमेव जयते

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