

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.563 of 2017
and C.M.P.No.11618 of 2017

Divya

... Petitioner

Vs.

C. Shankar

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.56 of 2017 from the file of Sub Court, Arakkonam, Vellore District and transfer the same to the Sub Court, Ponneri, Tiruvallur District.

For Petitioner : Mr.K.Saravanan
For Respondent : Mr.S.Gowrishankar

O R D E R

The petitioner/wife in the matrimonial dispute has filed this Transfer Civil Miscellaneous Petition, seeking to withdraw H.M.O.P.No.56 of 2017 filed by the respondent/husband under Section 13(i) of the Hindu Marriage Act for divorce, pending on the file of Subordinate Court, Arakkonam, Vellore District and transfer the same to the file of Subordinate Court, Ponneri, Thiruvallur District.

2. In paragraph 10 of the affidavit it is stated that the petitioner/wife is living with her parents and younger sister and it would be difficult for her to travel from Ponneri to Arakkonam. Further it is stated that the petitioner/wife also filed M.C.No.1 of 2017 for maintenance under Section 125 Cr.P.C., before the learned Judicial Magistrate No.I, Ponneri. Hence, she is seeking transfer to Subordinate Court, Ponneri.

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

4. The transfer is resisted by the respondent/husband stating that the respondent is employed in a private concern and it would be difficult for him to take leave and travel to Ponneri for each hearing and therefore, prayed transfer to Family Court at Thiruvallur.

5. As Thiruvallur has got only one Family Court, where, the appearance of the parties is mandatory, and also Section 19(iii-a) of the Hindu Marriage Act gives preference for the wife in respect of the place where she resides and as requested by the petitioner, this Court deems it fit to transfer the said H.M.O.P.No.56 of 2017 to Subordinate Court, Ponneri. Considering the submissions made by the respondent, the appearance of the respondent/husband before the transferee Court is dispensed with till the commencement of the trial.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.56 of 2017 pending on the file of Subordinate Court, Arakkonam, Vellore District is transferred to the file of Subordinate Court, Ponneri, Thiruvallur District. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

rsi

To

1. The Subordinate Judge,
Arakkonam.
2. The Subordinate Judge,
Ponneri.

+1cc to Mr.G.Jermiah, Advocate SR.No.13447
+1cc to Mr.K.Saravanan, Advocate SR.No.13113

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RJ(CO)
GN(12/03/2018)

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