

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2018

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.586 of 2017
and
C.M.P.No.12263 of 2017

E.Kavitha

.. Petitioner

-Vs-

S.Harikrishnan

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw the H.M.O.P.No.178 of 2016 on the file of the Family Court, Chengalpet and transfer the same to the file of the II Additional Family Court, Chennai to be tried along with O.P.No.2432 of 2017 and M.C.No.91 of 2017 on the file of the II Additional Family Court, Chennai.

For petitioner ... Mr.V.Purushothaman

For Respondent ... Mr.A.Sasivel

O R D E R

This transfer petition is filed by the wife in a matrimonial dispute seeking transfer of H.M.O.P.No.178 of 2016 pending on the file of the Family Court, Chengalpet to the file of the II Additional Family Court, Chennai to be tried along with H.M.O.P.No.2432 of 2017 and M.C.No.91 of 2017 pending on the file of the II Additional Family Court, Chennai.

2. The husband has filed the above H.M.O.P.No.178 of 2016 under Section 13(1)(i-a) of the Hindu Marriage Act before the Family Court, Chengalpet for dissolution of marriage held between the petitioner and the respondent on 30.11.2012. Subsequently, the wife has filed H.M.O.P.No.2432 of 2017 under Section 9 of the Hindu Marriage Act before the II Additional Family Court, Chennai for restitution of conjugal rights. It is also stated that a maintenance case is filed in M.C.No.91 of 2017, which is also pending before the II Additional Family Court, Chennai.

3. In paragraph 4 of the affidavit filed in support of the petition, it is stated that out of the wedlock, a male child

was born, who is now aged about 2 years and he is suffering from severe myoclonic epilepsy disorder and is undergoing continuous treatment, for which, the petitioner has to spend Rs.2,000/- for medical expenses. Therefore, she finds it very hard to travel 50 kms to attend each and every hearing of the case at Chengalpet. Hence, she sought for transfer.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. Learned counsel appearing for the respondent-husband submitted that the respondent - husband has got no serious objection for transferring the said H.M.O.P from Chengalpet to Chennai.

5. Taking into consideration the above grievances of the petitioner and that in order to avoid multiplicity of proceedings and conflict of decisions between the above cases and that Section 19(iii-a) of the Hindu Marriage Act, which speaks about the convenience of the wife is paramount, this transfer is allowed and H.M.O.P.No.178 of 2016 pending on the file of the Family Court, Chengalpet is withdrawn and transferred to the file of the II Additional Family Court, Chennai, to be tried along with H.M.O.P.No.2432 of 2017 and M.C.No.91 of 2017. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Family Court, Chengalpet
- 2.The II Additional Family Court, Chennai.

Tr.C.M.P.No.586 of 2017
and
C.M.P.No.12263 of 2017

RMP (22/03/2018)