

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.592 of 2017
and
C.M.P.No.12324 of 2017

Mr.K.S.Karthikaa ... Petitioner

Versus

Mr.C.Venkatachalapathy ... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw and transfer HMOP No.68 of 2017 filed by the respondent herein pending on the file of the Court of the Principal Subordinate Judge at Krishnagiri to the concerned court at Hosur dealing with family Court matters.

For Petitioner : Mr.L.Chandrakumar
For Respondent : Mr.M.Selvam

O R D E R

This Transfer Civil Miscellaneous Petition has been filed by the petitioner/wife seeking to withdraw and transfer of HMOP No.68 of 2017 filed by the respondent pending on the file of the Court of the Principal Subordinate Judge at Krishnagiri to the concerned Court at Hosur dealing with family Court matters.

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 03.07.2011 and out of the wedlock two children were born to them. Due to physical and mental torture faced by the petitioner at the hands of the respondent, the petitioner has filed H.M.O.P.No.159 of 2017, before the Subordinate Court, Hosur for dissolution of marriage. The respondent/husband filed a petition in H.M.O.P.No.68 of 2017, on the file of Principal Subordinate Court, Krishnagiri, seeking divorce. The petitioner further states that she is working as a teacher in Hosur and residing with her parents along with two children. Therefore, it would be extremely difficult for her to travel from Hosur to Krishnagiri to attend hearings before the Principal Subordinate Court, Krishnagiri. Hence, she filed

this transfer Civil Miscellaneous Petition seeking for the aforesaid relief.

3. Heard both sides. The learned counsel appearing for the respondent has no serious objection in transferring H.M.O.P.No.68 of 2017 pending on the file of Subordinate Court, Krishnagiri to Subordinate Court, Hosur.

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 and also considering the no objection stated by the learned counsel for the respondent, this Court deems it fit to transfer the said H.M.O.P.No.68 of 2017 pending on the file of Principal Subordinate Court, Krishnagiri to the file of Subordinate Court, Hosur.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the proceedings pending in H.M.O.P.No.68 of 2017, on the file of Principal Subordinate Court, Krishnagiri is withdrawn and transferred to the file of Subordinate Court, Hosur District to try along with H.M.O.P.No.157 of 2017. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-iv)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Subordinate Judge, Krishnagiri.
- 2.The Subordinate Judge, Hosur.

+1cc to Mr.M.SELVAM, Advocate, S.R.No. 5273
+1cc to Mr.L.CHANDRAKUMAR, Advocate, S.R.No. 5100

Tr.C.M.P.No.592 of 2017

PA(CO)
TR(14/02/2018)