

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.663 of 2017
and C.M.P.No.13038 of 2017

Latha @ Nagamani

... Petitioner/Respondent

versus

Sathiyaraj

... Respondent/Petitioner

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw the H.M.O.P.No.45 of 2017 pending on the file of the Hon'ble Subordinate Judge of Nilgiris at Udhagamandalam and to transfer the same to the Hon'ble Subordinate Judge at Pollachi.

For Petitioner : Mr.N.Ponraj

For Respondent : Served - No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed by the petitioner/wife in the matrimonial proceedings seeking to withdraw H.M.O.P.No.45 of 2017 filed by the respondent/husband under Section 13(1)(i-a) of the Hindu Marriage Act for divorce, pending on the file of Subordinate Court, Nilgiris at Udhagamandalam and transfer the same to the file of Subordinate Court, Pollachi.

2. In paragraph 5 of the affidavit it is stated that the petitioner/wife is staying with her aged mother and grandmother at Pollachi. She expressed difficulty in travelling alone to Udhagamandalam for each hearing, which is more than 150 kms and also she has no means for her livelihood. Hence, the transfer is sought for.

3. Heard the learned counsel for the petitioner. Though the respondent was served with notice and his name has been printed in the cause list, he has not entered appearance either in person or through counsel.

4. Considering the convenience of the wife and also Section 19(iii-a) of the Hindu Marriage Act, in which the wife has been given a special privilege of filing a petition wherever she is residing, this Court is of the view that H.M.O.P.No.45 of 2017 may be transferred to Subordinate Court, Pollachi.

5. Accordingly, the Transfer Civil Miscellaneous petition is allowed by withdrawing H.M.O.P.No.45 of 2017, pending on the file of Subordinate Court, Nilgiris at Udhagamandalam and transferring the same to the file of Subordinate Court, Pollachi. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Subordinate Judge,
Nilgiris at Udhagamandalam.
2. The Subordinate Judge,
Pollachi.

+1cc to Mr.N.Ponraj, Advocate, S.R.No.20150

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SKV(CO)
CS/04/04/18

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