

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.673 of 2017
and
CMP. No.13284 of 2017

K.Kalai Selvi ... Petitioner
Vs
S.Sivaraj ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. praying to withdraw the proceedings in H.M.O.P.No.35 of 2015 on the file of Principal Sub Court, Chidambaram and transfer the same to the Principal Sub Court, Mayiladuthurai.

For Petitioner : Mr.R.Shivakumar
for M/s.K.M.Vijayan Associates
For Respondent : Mr.R.Ashraf Khan

O R D E R

This transfer petition is filed by the wife seeking transfer of H.M.O.P.No.35 of 2015 filed by the husband under Section 13 (1) (i-a) of the Hindu Marriage Act, pending on the file of the Principal Sub Court, Chidambaram for divorce to the Principal Sub Court, Mayiladuthurai, to be tried along with H.M.O.P.No.74 of 2017, which is filed by the wife under Section 9 of the Hindu Marriage Act, for restitution of conjugal rights.

2. In paragraph 10 of the affidavit filed in support of the petition, the petitioner-wife had expressed difficulty in attending the Court proceedings at Chidambaram, as she is in serious financial needs and there is no person to accompany the petitioner to attend the Court hearings. Hence, she sought for transfer.

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

4. The learned counsel appearing for the respondent-husband has got no serious objection for transferring the petition.

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 two 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transfer is allowed and H.M.O.P.No.35 of 2015 pending on the file of the Principal Sub Court, Chidambaram shall stand withdrawn and transferred to the Principal Sub Court, Mayiladurai to be tried along with H.M.O.P.No.74 of 2017. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

srn

To

- 1.The Principal Sub Judge,
Chidambaram
- 2.The Principal Sub Court,
Mayildathurai.

+1cc to Mr.R.Asraf Khan, Advocate SR.No.10721
+1cc to Mr.K.M.Vijayan Associates, Advocate SR.No.10551

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GN (27/02/2018)

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