

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.674 of 2017
and C.M.P.No.13285 of 2017

S. Kaviya

... Petitioner

versus

K. Prawin Kumar

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.1569 of 2017 on the file of the V Additional Family Court, Chennai to transfer the same to the file of Family Court, Vellore.

For Petitioner : Mr.G.Vinod Kumar

For Respondent : Mr.P.Jagadeesan

O R D E R

The petitioner/wife in the matrimonial proceedings has filed the above Transfer Civil Miscellaneous petition, seeking to withdraw H.M.O.P.No.1569 of 2017, pending on the file of V Additional Family Court, Chennai to the file of Family Court, Vellore.

2. From Paragraph 3 of the affidavit filed in support of the petition, it is evident that the petitioner/wife has already filed a petition in M.C.No.15 of 2017 under Section 125 of Cr.P.C., before the Family Court, Vellore for maintenance and also filed a Domestic Violence Petition in D.V.C.No.2 of 2017, before the learned Judicial Magistrate No.I, Vellore. Meanwhile, the respondent/husband had filed H.M.O.P.No.1569 of 2017 under Section 9 of the Hindu Marriage Act, before the V Additional Family Court, Chennai for restitution of conjugal rights. It is stated by the petitioner/wife that she is living with her aged parents and child, who is one-and-half years old. Hence, she expressed difficulty in travelling to Chennai for each of the hearing.

3. Heard the learned counsel for the petitioner as well as learned counsel for the respondent. The learned counsel for the respondent has got no serious objection for the above transfer.

4. Considering Section 19(iii-a) of the Hindu Marriage Act, which speaks about the convenience of the wife is paramount, this Court is inclined to transfer H.M.O.P.No.1569 of 2017, pending on the file of V Additional Family Court, Chennai to the file of Family Court, Vellore.

5. As the respondent/husband is already been prosecuting the M.C. and D.V.C. Cases, it would not be prejudicial for him to travel to Vellore.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.1569 of 2017, pending on the file of V Additional Family Court, Chennai shall stand withdrawn and transferred to the file of Family Court, Vellore. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The V Additional Judge,
Family Court, Chennai.

2. The Family Judge,
Vellore.

+1cc to Mr.G.Vinodh Kumar, Advocate, S.R.No.2956

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KGK(CO)
RRK(28/02/2018)

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