

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.687 of 2017

and C.M.P.No.13692 of 2017

Uma Maheswari

... Petitioner

vs

Selvakumar

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw the M.O.P.No.233 of 2016 pending on the file of Learned Family Judge, Pondicherry and transfer the same to the Learned Sub Court, Panruti, Cuddalore District.

For Petitioner : Mr.B. Sundarapandiyam

For Respondent : Sd-No appearance.

ORDER

The petitioner/wife in the matrimonial dispute has filed the above Transfer Civil Miscellaneous petition, seeking transfer of H.M.O.P.No.233 of 2016, pending on the file of Family Court, Pondicherry, filed by the respondent/husband under Section 13(1)(i-a) of the Hindu Marriage Act for divorce to the file of Sub Court, Panruti, Cuddalore District.

2. Heard the learned counsel for the petitioner. Though notice has been served on the respondent through Court and also privately and his name has been printed in the cause list, there is no appearance either in person or through counsel.

3. Admittedly, the petitioner/wife is living in Panruti and she expressed difficulty in paragraph 7 of the affidavit that it would be difficult for her to travel with the child aged about two years to attend the hearing at Family Court, Pondicherry, as appearance of the parties is mandatory. The transfer is now sought for only before the Sub Court, Panruti, where it is not mandatory for the parties to appear.

4. Considering Section 19(iia) of the Hindu Marriage Act, which mandates that the convenience of the wife has to be considered, this Court is of the view that M.O.P.No.233 of 2016, pending on the file of Family Court, Pondicherry could be transferred to the file of Sub Court, Panruti. The transfer would not be prejudicial to the respondent/husband as it is not compulsory for him to appear for each of the hearing.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.233 of 2016, pending on the file of Family Court, Pondicherry shall stand withdrawn and transferred to the file of Sub Court, Panruti, Cuddalore District. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

rsi

To

1. The Family Judge,
Pondicherry
2. The Sub Judge,
Panruti, Cuddalore District.

+1CC to Mr.B.Sundarapandiyar, Advocate
vide CA SR No.4288/18

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VUM(10.02.2018)

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