

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.694 of 2017

K. Saranya Kondalraj ... Petitioner
versus
D. Arun Prasad ... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to transfer the case in H.M.O.P.NO.165 of 2016 on the file of Family Court, Madurai to Family Court, Villupuram.

For Petitioner : Mr.G.Sankaran
For Respondent : Mr.Harishankar

O R D E R

The petitioner/wife in the matrimonial proceedings has filed this transfer petition seeking to withdraw H.M.O.P.No.165 of 2016 filed by the respondent/husband under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act for divorce, pending on the file of Family Court, Madurai and transfer the same to the file of Family Court, Villupuram.

2. The petitioner/wife in her affidavit has stated that she is living with her child along with her mother at Kallakurichi, Villupuram District and she is unable to travel to Madurai, which is around 350 kms. away from her native place. Though it is admitted that she went for counselling several times and she had been attending the hearing in Madurai, which becomes very difficult for her, as the mother is also old and son is school going. Hence, the transfer is sought for.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. Considering the above circumstances and also Section 19 (iii-a) of the Hindu Marriage Act, which gives preference for the wife in respect of the place, where she resides, this Court is inclined to transfer H.M.O.P.No.165 of 2016 from the file of Family Court, Madurai to the file of Family Court, Villupuram.

5. It is stated by the learned counsel appearing for the respondent/husband that the respondent is living in Singapore and it would be difficult for him to travel to Villupuram, which is not very accessible. Considering the request of the respondent/husband his appearance is dispensed with till the commencement of the trial before the Court. He is directed to appear before the Court once the trial commences and co-operate in the completion of the O.P. The Family Court Judge, Villupuram is directed to dispose of the O.P. as expeditiously as possible after the papers are received.

6. With the above directions, the Transfer Civil Miscellaneous petition is allowed by withdrawing H.M.O.P.No.165 of 2016, pending on the file of Family Court, Madurai and transferring the same to the file of Family Court, Villupuram. No Costs.

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

rsi

To

1. The Family Judge,
Madurai.
2. The Family Judge,
Villupuram.

+1cc to Mr.G.Sankaran, Advocate SR.No.20289
+2cc to Mr.Hari shankar, Advocate SR.No.21020

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GN(06/04/2018)

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