

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2018

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.697 of 2017
and C.M.P.No.13991 of 2017

1. N.Divya
2. N.Nandha Gopal
3. Manjula .. Petitioners
-Vs-
Dilli Kumar @ Vinoth ... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw and transfer the above H.M.O.P.No.68 of 2017 on the file of the Sub Court, Arakkonam to the Sub Court, Thiruvallur.

For petitioner ... Mr.M.Md.Ibrahim Ali
For respondent ... Mr.D.Dayalan

O R D E R

The wife has filed this Transfer Civil Miscellaneous Petition seeking to transfer the H.M.O.P.No.68 of 2017 from the file of the Sub Court, Arakkonam to the file of the Sub Court, Thiruvallur.

2. The respondent-husband has filed the above H.M.O.P.No.68 of 2017 under Section 13(1) (IV) of the Hindu Marriage Act on the file of the Sub Court, Arakkonam for dissolution of marriage held between the petitioner and respondent on 15.09.2016.

3. In paragraph 7 of the affidavit filed in support of the petition, the petitioner-wife has stated that she is living in Thiruvallur with her parents and she has no independent income for incurring travelling expenses to attend the Court hearing at Arakkonam. Further, it is stated that the respondent-husband is working as Constable in the Central Industrial Security Force. Hence, no prejudice would be caused to him, if the said H.M.O.P is transferred to Thiruvallur. Hence, she seeks for transfer.

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

5. Considering the averments made in the petition and also the fact that Section 19 (iii-a) of the Hindu Marriage Act gives preference to the wife where she resides, this Court is inclined to transfer the said H.M.O.P.No.68 of 2017 pending on the file Sub Court, Arakkonam to Thiruvallur.

6. Accordingly, the Tr.C.M.P is allowed. H.M.O.P.No.68 of 2017 pending on the file of the Sub Court, Arakkonam is withdrawn and transferred to the file of the Sub Court, Thiruvallur. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

srn

To

1. The Sub Court, Arakkonam
2. The Sub Court, Thiruvallur

+1 CC to Mr.M.Md.Ibrahim Ali, Advocate sr 17627.

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MR (CO)
SP (06/04/2018)

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