

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.701 of 2017
and C.M.P.No.14088 of 2017

P. Revathi

... Petitioner

versus

Kanna

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw the H.M.O.P.No.135 of 2017 on the file of the Hon'ble Principal Sub Court, Trichy and transfer the same to the file of the Hon'ble Family Court, Ariyalur, to be tried jointly along with M.C.No.7 of 2017.

For Petitioner : Mr.R.Gokulakrishnan
For Respondent : Ms.Shobana Ramasubramanian

O R D E R

The transfer petition is filed by the petitioner/wife in the matrimonial dispute seeking to withdraw H.M.O.P.No.135 of 2017, filed by the respondent/husband under Section 13(i) (a) (b) of the Hindu Marriage Act for divorce, pending on the file of Principal Subordinate Court, Trichy to the file of Family Court, Ariyalur, to be tried along with M.C.No.7 of 2017.

2. The petitioner/wife in her affidavit has stated that it would be difficult for her to travel alone from Ariyalur to Trichy for each hearing, which is nearly 100 kms. She has filed M.C.No.7 of 2017 under Section 125 of Cr.P.C. for maintenance, which is also pending before the Family Court, Ariyalur.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent. Though the learned counsel for the respondent has got no serious objection, however, submitted that the respondent has difficulty in appearing before the Family Court, Ariyalur for each hearing.

4. In the above circumstances, considering 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 of the view that the matter may be transferred to Family Court, Ariyalur, where the M.C.No.7 of 2017 is already pending.

5. Considering the above arguments, while transferring the O.P. from Principal Subordinate Court, Trichy to Family Court, Ariyalur, the appearance of the respondent/husband is dispensed with till the commencement of the trial. The respondent/husband has to submit himself for the examination and cross examination.

6. Accordingly, the Transfer Civil Miscellaneous petition is allowed by withdrawing H.M.O.P.No.135 of 2017, pending on the file of Principal Subordinate Court, Trichy and transferring the same to the file of Family Court, Ariyalur, to be tried along with M.C.No.7 of 2017. No Costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

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To

1. The Principal Subordinate Judge,
Trichy.
2. The Family Judge,
Ariyalur.

+1 CC to Ms.B. Sumithra, Advocate sr 16743.

+1 CC to Mr.R. Gopalakrishnan, Advocate sr 16673

Tr.C.M.P. No.701 of 2017
and C.M.P.No.14088 of 2017

SP(28/03/2018)

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