

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.719 of 2017
and C.M.P.No.14613 of 2017

S. Diviya

... Petitioner

versus

G. Rajasekar

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw the proceedings in H.M.O.P.No.2607 of 2017 on the file of the Principal Judge, Family Court at Chennai and transfer the same to the file of the Sub Court, Cheyyar, Thiruvannamalai District to be heard and disposed of on the normal course.

For Petitioner : Mr.K.G.Senthil Kumar

For Respondent : Mr.D.Shanmugaraja - No appearance

O R D E R

The respondent/husband in the matrimonial proceedings had filed H.M.O.P.No.2607 of 2017 under Section 9 of the Hindu Marriage Act for restitution of conjugal rights before the Principal Judge, Family Court, Chennai. Now, the wife, who is the petitioner herein is seeking to transfer the same to the file of Subordinate Court, Cheyyar, as she is living in Ukkamperumbakkam Village, Cheyyar Taluk.

2. In the affidavit filed in support of the petition, the petitioner/wife has stated that it would be difficult for her to travel from Ukkamperumbakkam Village to Chennai for each hearing, which is about 190 kms up and down. Being a lady she cannot travel alone, as her father is an aged person and she is also dependent on her parents. Hence, the petitioner sought for the above transfer.

3. Heard the learned counsel for the petitioner. Earlier, on 19.02.2018, there was no representation on behalf of the respondent and the matter was adjourned to 21.02.2018. On 21.02.2018, at his request, it was adjourned again and posted today (i.e.05.03.2018). Today also, there is no representation for the respondent either in person or through counsel.

4. Considering the convenience of the petitioner/wife 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.2607 of 2017 from the file of Principal Family Court, Chennai to the file of Subordinate Court, Cheyyar.

5. Accordingly, the Transfer Civil Miscellaneous petition is allowed and H.M.O.P.No.2607 of 2017, pending on the file of Principal Family Court, Chennai is transferred to the file of Subordinate Court, Cheyyar, Thiruvannamalai District. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

rsi
To

1. The Principal Judge,
Family Court, Chennai.
2. The Subordinate Judge,
Cheyyar.

+1 CC TO MR.K.G.Senthil kumar, Advocate SR. No.16578

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RMP (28/03/2018)