

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.773 of 2017
and C.M.P.No.15705 of 2017

M. Chamundeswari

... Petitioner

versus

P. Dharmendran

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw the case in H.M.O.P.No.1045 of 2017 on the file of the Principal Family Court, Coimbatore and transfer the same to the Family Court, Salem.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.D.R.Arunkumar

O R D E R

The Transfer Civil Miscellaneous Petition is filed by the petitioner/wife in the matrimonial proceedings seeking transfer of H.M.O.P.No.1045 of 2017 filed by the respondent/husband under Section 9 of the Hindu Marriage Act for restitution of conjugal rights, pending on the file of Principal Family Court, Coimbatore to the file of Family Court, Salem.

2. In the affidavit filed in support of the petition, the petitioner/wife expressed her difficulty in travelling from Salem to Coimbatore, which is about 200 kms. It is also stated that she is a practicing Doctor (BDS) at Salem. She apprehends danger to her life at the hands of the respondent, if she goes to Coimbatore for attending the Court hearing. Hence, the transfer is sought for.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent. The respondent/husband has got no objection for the transfer.

4. Considering the above facts 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.1045 of 2017 from the file of Principal Family Court, Coimbatore to the file of Family Court, Salem.

5. Accordingly, the Transfer Civil Miscellaneous petition is allowed and H.M.O.P.No.1045 of 2017, pending on the file of Principal Family Court, Coimbatore is transferred to the file of Family Court, Salem. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True copy//

Sub Assistant Registrar

rsi

To

1. The Principal Family Judge
Coimbatore.
2. The Family Judge,
Salem.

+lcc to Mr.D.R.Arun Kumar, Advocate SR.No.19592

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PPA(CO)
GN(03/04/2018)

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