

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:09.02.2018
CORAM
THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA
Tr.C.M.P. No.785 of 2017
and C.M.P.No.15949 of 2017

A.Rubavathi Jayapriya @ A.Rubi

... Petitioner

Vs.

P.Amirthalingam @ Onesimu

... Respondent

Prayer:- This Petition is filed under Section 24 of C.P.C., praying to withdraw the I.D.O.P.No.46 of 2017 pending on the file of the Principal District Judge at Namakkal and to transfer the same to the Family Court, Salem.

For Petitioner : Mr.Udaya Kumar for
M/S.Karan and Uday
For Respondent : served-No appearance

O R D E R

The petitioner/wife has filed this transfer Civil Miscellaneous Petition seeking to withdraw I.D.O.P.No.46 of 2017 pending on the file of the Principal District Court, Namakkal, filed by the respondent/husband under Section 10(1) (X) of the Indian Divorce Act, 1869, for divorce and to transfer the same to the file of the Family Court, Salem.

2. In paragraph 8 of the affidavit filed in support of the petition, the petitioner/wife has stated that the respondent is treating very badly, if she goes to attend the hearings at Namakkal and moreover her aged parents also could not accompany the petitioner. It is also stated that she sustained a fracture in her right leg due to an accident and hence, she is not in position to travel to Namakkal to attend each and every hearing of the case. Hence, she seeks for transfer.

3. Heard the learned counsel for the petitioner. Though the respondent is served with notice and his name is printed in the cause list, there is no representation for him either in person or through counsel.

4. Considering the averments made in the affidavit and also Section 19(iii-a) of the Hindu Marriage Act, which gives preference for the wife to file a petition in respect of the place where she resides, this Court feels it appropriate to transfer I.D.O.P.No.46 of 2017 pending on the file of the Principal District Court, Namakkal to the file of the Family Court, Salem.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and I.D.O.P.No.46 of 2017 pending on the file of Principal District Court, Namakkal shall stand withdrawn and transferred to the file of the Family Court, Salem. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

srn

To

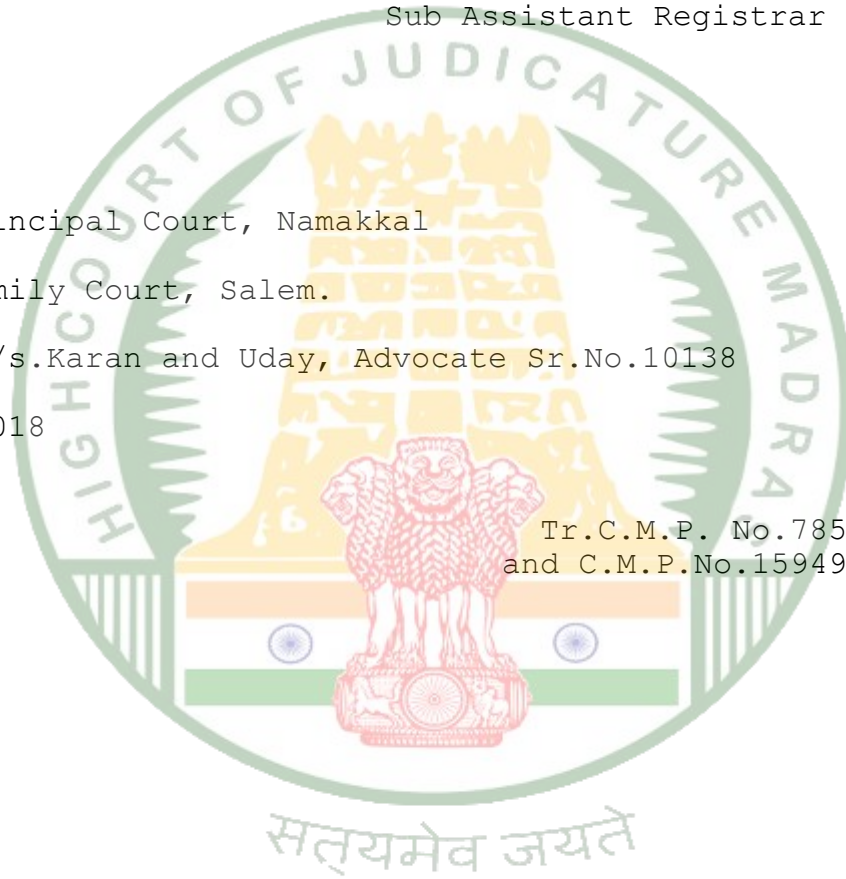
1. The Principal Court, Namakkal

2. The Family Court, Salem.

+1cc to M/s.Karan and Uday, Advocate Sr.No.10138

sm:27.2.2018

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