

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.812 of 2017
and C.M.P.No.16822 of 2017

Lavanya

... Petitioner

Vs.

Periyasamy @ Saravanan

... Respondent

Prayer:- This Petition is filed under Section 24 of C.P.C., praying to withdraw the petition in H.M.O.P.No.61 of 2017 from the file of the Sub Court, Vallioor, Tirunelveli and to transfer the same to any of the Subordinate Court at Thiruvannamalai to be tried along with I.A.No.18 of 2017 in Unnumbered H.M.O.P.No..... of 2017, Sub Court, Tiruvannamalai.

For Petitioner : Mr.V.Sekar

For Respondent : served-No appearance

O R D E R

The petitioner/wife has filed this transfer Civil Miscellaneous Petition seeking to withdraw H.M.O.P.No.61 of 2017, pending on the file of the Sub Court, Vallioor, Tirunelveli and transfer the same to the file of Sub Court, Thiruvannamalai to be tried along with I.A.No.18 of 2017 in Un-numbered H.M.O.P.No.... of 2017.

2. The respondent/husband has filed H.M.O.P.No.61 of 2017 under Section 9 of the Hindu Marriage Act, before the Subordinate Judge, Vallioor, for restitution of conjugal rights. The petitioner/wife has also filed a petition in I.A.No.89 of 2017 in Un-unmbered H.M.O.P.No. /2017 under Section 14(1) of the Hindu Marriage Act before the Subordinate Court, Thiruvannamalai to grant leave to her to file a petition for divorce under Section 13(i) (i-a) of the Hindu Marriage Act, 1955.

3. In paragraph 8 of the affidavit filed in support of the petition, it is stated that the petitioner/wife apprehends danger to her life, if she goes to attend the hearings at Vallioor and she has to depend on her parents to attend each

and every hearing of the case at Valliyoor. Hence, she seeks for transfer.

4. Heard the learned counsel for the petitioner and the learned counsel. 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.

5. 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 H.M.O.P.No.61 of 2017 on the file of Subordinate Court, Valliyoor to the file of Sub Court, Thiruvannamalai, to be heard along with I.A.No.89 of 2017 in Un-unmbered H.M.O.P.No. /2017.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.61 of 2017 pending on the file of Sub Court, Valliyoor, Tirunelveli shall stand withdrawn and transferred to the file of Subordinate Court, Thiruvannamalai, to be tried along with I.A.No.89 of 2017 in Un-unmbered H.M.O.P.No. /2017. No Costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

srn

To

1. The Sub Court, Valliyoor
2. The Sub Court, Thiruvannamalai

+1 CC to Mr.V.Sekar, Advocate sr 8834.

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SP(21/02/2018)

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