

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.819 of 2017
and C.M.P.No.16946 of 2017

N. Gowri ... Petitioner

versus

A. Prabakaran ... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.75 of 2017 on the file of Subordinate Court, Rasipuram and transfer the same to the file of Family Court, Coimbatore.

For Petitioner : Mr.Deepan Uday
For Respondent : Mr.T.Dhanyakumar

O R D E R

The transfer petition is filed by the petitioner/wife in the matrimonial disputes seeking transfer of H.M.O.P.No.75 of 2017 filed by the respondent/husband under Section 13(1)(ia)(ib) of the Hindu Marriage Act for divorce, pending on the file of Subordinate Court, Rasipuram to the file of Family Court, Coimbatore.

2. It is stated in the affidavit that as the petitioner/wife is staying with her father along with her two minor children in Coimbatore, it is difficult for her to travel alone to Rasipuram for each hearing. It is also stated that she is unemployed and has got no source of income. Hence, she sought for the transfer.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. Considering the above facts and also Section 19(iii-a) of the Hindu Marriage Act, which mandates that the convenience of the wife has to be considered, this Court is inclined to transfer H.M.O.P.No.75 of 2017 from the file of Subordinate Court, Rasipuram to the file of Family Court, Coimbatore.

5. Accordingly, the Transfer Civil Miscellaneous petition is allowed and H.M.O.P.No.75 of 2017, pending on the file of Subordinate Court, Rasipuram is transferred to the file of Family Court, Coimbatore. The appearance of the respondent/husband is dispensed with till the commencement of the trial. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

rsi

To

1.The Subordinate Judge,
Subordinate court,
Rasipuram.

2. The Judge, Family Judge,
Coimbatore.

+1cc to Mr.Deepan Uday, Advocate SR.No.19110

+1cc to Mr.T.Dhanya Kumar, Advocate SR.No.19481

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PPA (CO)

GN(02/04/2018)

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