

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.842 of 2017
and C.M.P.No.17636 of 2017

A. Vinija

... Petitioner

versus

J. Sriramulu

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw the petition in F.C.O.P.No.193/2017 on the file of the Family Court, Erode and transfer the same to Sub Court, Tiruppur.

For Petitioner : Mr.I.C.Vasudevan

For Respondent : No appearance

O R D E R

The petitioner/wife in the matrimonial dispute has filed this transfer Civil Miscellaneous Petition seeking to withdraw F.C.O.P.No.193 of 2017 filed by the respondent/husband under Section 13(1)(i-a) of the Hindu Marriage Act, pending on the file of Family Court, Erode for divorce and transfer the same to the file of Sub Court, Tiruppur.

2. It the affidavit filed in support of the petition it is stated that the petitioner is living with her parents at Palladam. There is no one to accompany the petitioner to attend the hearing at Family Court, Erode as her parents are aged and they are also not in a position to take care of the petitioner's minor child born out of the wedlock. Hence, the petitioner sought for the above transfer.

3. Heard the learned counsel for the petitioner. Though the respondent served with notice, he has not entered appearance either in person or through counsel.

4. Considering the convenience of the 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 F.C.O.P.No.193 of 2017, pending on the file of Family Court, Erode to the file of Sub Court, Tiruppur.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed by withdrawing F.C.O.P.No.193 of 2017, pending on the file of Family Court, Erode and transferring the same to the file of Sub Court, Tiruppur. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Family Court Judge,
Erode.

2. The Sub ordinate Judge,
Tiruppur.

3. The Section Officer, V.R.Section High Court Madras. (2copies)

+1cc to Mr.I.C.Vasudevan, Advocate, S.R.No.1468

Tr.C.M.P. No.842 of 2017
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(CO)

RRK(08/02/2018)

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