

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.03.2018
CORAM :
THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA
Tr.C.M.P. No.844 of 2017
and C.M.P.No.17688 of 2017

P. Sakthe Sharmilla

... Petitioner

versus

M. Manikandan

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to transfer H.M.O.P.No.92 of 2017 pending on the file of the Sub Court, Ponneri to be tried along with O.P.No.1008 of 2017 pending before the Hon'ble I Additional Family Court, Chennai.

For Petitioner : Mr.R.Chavan

For Respondent : Mr.S.Baskar - No appearance

O R D E R

The transfer petition is filed by the petitioner/wife in the matrimonial dispute seeking to withdraw H.M.O.P.No.92 of 2017, pending on the file of Subordinate Court, Ponneri and transfer the same to the file of I Additional Family Court, Chennai, to be tried along with O.P.No.1008 of 2017.

2. The respondent/husband has filed H.M.O.P.No.92 of 2017 under Section 9 of the Hindu Marriage Act for restitution of conjugal rights, before the learned Subordinate Judge, Ponneri. The petitioner/wife has filed H.M.O.P.No.1008 of 2017 under Section 13(1)(i-a) of the Hindu Marriage Act for divorce, before the learned I Additional Family Judge, Chennai.

3. Heard the learned counsel for the petitioner. Though notice has been served on the respondent and he had entered appearance through one counsel Mr.S.Baskar, there was no representation on behalf of the respondent on 22.02.2018 and the matter was adjourned to one week. Today (i.e. on 05.03.2018) also there is no representation for the respondent either in person or through counsel.

4. In the above circumstances, considering Section 19(iii-a) of the Hindu Marriage Act, which gives preference for the wife in respect of the place where she resides and also there

will be a conflict in decisions, if the above said O.Ps. are tried in two different places, this Court feels it appropriate to transfer H.M.O.P.No.92 of 2017 from the file of Subordinate Court, Ponneri to the file of I Additional Family Court, Chennai, to be heard along with H.M.O.P.No.1008 of 2017.

5. Accordingly, the Transfer Civil Miscellaneous petition is allowed by withdrawing H.M.O.P.No.92 of 2017, pending on the file of Subordinate Court, Ponneri and transferring the same to the file of I Additional Family Court, Chennai, to be tried along with H.M.O.P.No.1008 of 2017. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Subordinate Judge,
Ponneri.
2. The I Additional Judge,
Family Court, Chennai.

+1 cc to Mr.R.Chavan Advocate sr 16522

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pvs(co)
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