

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.883 of 2017
and C.M.P.No.17804 of 2017

T.T.Sandhya

... Petitioner

Vs.

K.Saravana Sundar

... Respondent

Prayer:-

Petition is filed under Section 24 of C.P.C., to withdraw and transfer the divorce petition in M.O.P.No.368 of 2017 pending on the file of the Family Court, Puducherry, Union Territory of Puducherry to the Family Court, Chennai.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.V.Ajayakumar

ORDER

The petitioner/wife in the matrimonial dispute has filed this Transfer Civil Miscellaneous Petition, seeking transfer of M.O.P.No.368 of 2017, pending on the file of Family Court, Puducherry to the file of the Family Court, Chennai.

2. The respondent/husband has filed the above M.O.P.No.368 of 2017 under Section 13(1)(i-a) of the Hindu Marriage Act, on the file of the Family Court, Puducherry for dissolution of marriage.

3. It is stated in the affidavit that the petitioner/wife is staying with her aged parents at Chennai along with her minor son. She finds it very difficult to travel from Chennai to Puducherry along with her son to attend each and every hearing at Puducherry without any male assistance. Further, her parents are aged and they could not accompany the petitioner. Hence, the transfer is sought for.

4. Heard the learned counsel for the petitioner and the

learned counsel for the respondent. The learned counsel appearing for the respondent submitted that the respondent-husband has got no serious objection for the said transfer.

5. Considering the above facts and circumstances and the fact that Section 19(iii-a) of the Hindu Marriage Act gives preference for the wife in respect of the place where she resides and also no objection have been expressed by the learned counsel for the respondent-husband, this Court deems it fit to transfer the said M.O.P.No.368 of 2017 from the file of Family Court, Puducherry to the file of the Family Court, Chennai.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and M.O.P.No.368 of 2017 pending on the file of Family Court, Puducherry is transferred to the file of the Family Court, Chennai. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Family Court, Puducherry
2. The Principal Judge, Family Court, Chennai

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.17226

+1cc to Mr.V.Ajayakumar, Advocate, S.R.No.17446

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LRS(CO)
CS/05/04/18

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