

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.01.2018

C O R A M

THE HONOURABLE Mrs.JUSTICE **PUSHPA SATHYANARAYANA**

Tr.C.M.P.No.889 of 2017

and

C.M.P.No.18022 of 2017

P.Sheela

.. Petitioner

-Vs-

R.Periyannan

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw the H.M.O.P.No.113 of 2017 filed before the Sub Judge, Thittakudi and transfer the same to the Family Court, Chennai.

For petitioner Mr.S.Ramajayam

For RespondentServed - No Appearance

ORDER

This transfer petition is filed by the wife in a matrimonial dispute seeking transfer of H.M.O.P.No.113 of 2017 filed by the husband on the file of the Sub Court, Thittakudi to the file of the Family Court, Chennai.

2. The husband had filed H.M.O.P.No.113 of 2017 under Section 13(1)(i-a) of the Hindu Marriage Act before the Subordinate Judge, Thittakudi for dissolution of marriage held between the petitioner and the respondent on 29.06.2014.

3. It is the grievance of the petitioner-wife that she is residing at Chennai with her aged parents. Further, she is unable to travel to Thittakudi, which is more than 300 kilometers away from Chennai. Since the petitioner-wife is dependent on her parents and brother financially even to sustain her livelihood, she could not afford to meet the expenses to attend the hearings in Thittakudi. Hence, she sought for transfer.

4. Heard the learned counsel for the petitioner and perused the materials available on record. Though the respondent is served with notice and his name having been printed in the cause list, he has not appeared either in person or through counsel.

5. Taking into consideration the above grievances expressed by the petitioner and that Section 19 (iii-a) of the Hindu Marriage Act gives preference for the wife to file a petition before the jurisdictional Court where she resides either independently or along

with her parents, brother, sister or relatives as the case may be, this Court deems it fit to transfer the said H.M.O.P.No.113 of 2017 pending on the file of the Subordinate Judge, Thittakudi.

6. Accordingly, Tr.C.M.P is allowed and H.M.O.P.No.113 of 2017 pending on the file of the Subordinate Court, Thittakudi shall stand withdrawn and transferred to the file of the Principal Judge, Family Court, Chennai. No costs. Consequently, connected miscellaneous petition is closed.

05.01.2018

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To

- 1.The Subordinate Court, Thittakudi
- 2.The Principal Judge, Family Court, Chennai

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PUSHPA SATHYANARAYANA.J

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