

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.CMP.No.891 of 2017
and CMP.No.18043 of 2017

R.Mari

...Petitioner

Vs

Rajeshkumar

...Respondent

Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.176 of 2017 pending on the file of the Principal Sub-Ordinate Judge, Thirupur, and transfer the same to the file of the Sub-Ordinate Judge, Krishnagiri.

For Petitioner : M/s.K.Anusuya
For M/s.N.Sureka

For Respondent : Mr.N.Manokaran

O R D E R

The wife is the petitioner herein, seeks transfer of H.M.O.P.No.176 of 2017 filed by the respondent herein from the file of the Principal Sub-Ordinate Judge, Thirupur, to the file of the Sub-Ordinate Judge, Krishnagiri.

2. In the affidavit filed by the petitioner in support of this petition, it is stated that the marriage between the petitioner and the respondent was solemnized on 05.07.2015 and they lived happily in the respondent's maternal uncle home. Since the respondent and his family members, started harassing the petitioner demanding money, quarrel arose between them and ultimately, the petitioner was thrown out by the respondent and his family members, from the matrimonial home. Thereafter, the respondent has filed a petition for divorce in H.M.O.P.No.176 of 2017 on the file of the Principal Sub-Ordinate Judge, Thiruppur.

3. In the affidavit, it is further stated by the petitioner that it would be very difficult for her to travel from Krishnagiri to Thiruppur to attend the hearings of H.M.O.P.No.176 of 2017, along with her old aged mother, and therefore, she seeks transfer of H.M.O.P.No.176 of 2017 from the

file of the Principal Sub-Ordinate Judge, Thirupur, to the file of the Sub-Ordinate Judge, Krishnagiri.

4. Though the learned counsel appearing for the respondent, object the same, considering the above averments made in the affidavit filed in support of this petition 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, this Court feels it appropriate to withdraw H.M.O.P.No.176 of 2017 pending on the file of the Principal Sub-Ordinate Judge, Thirupur, and transfer the same to the file of the Sub-Ordinate Judge, Krishnagiri.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.176 of 2017 pending on the file of the Principal Sub-Ordinate Judge, Thirupur, is withdrawn and transferred to the file of the Sub-Ordinate Judge, Krishnagiri. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

raja

To

1. The Principal Sub-Ordinate Judge,
Thirupur.
2. The Sub-Ordinate Judge,
Krishnagiri.

+1 CC to Mr.C. Samivel, Advocate sr 17909.
+1 CC to Mr.N. Manokaran, advocate sr 17872.

WEB COPY

Tr.CMP.No.891 of 2017
and CMP.No.18043 of 2017

SP(22/03/2018)