

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:02.03.2018

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.893 of 2017
and C.M.P.No.18184 of 2017

R.Kannagi

.. Petitioner

-Vs-

R.M.Ramasubramanian

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw the H.M.O.P.No.130 of 2017 from the file of the Sub Court, Devakottai and transfer the same to the file of the Sub Court, Poonamallee.

For petitioner ... Ms.B.Poongkhulali
For Respondent ... No Appearance

O R D E R

The petitioner-wife has filed this transfer petition seeking transfer of H.M.O.P.No.130 of 2017 from the file of the Sub Court, Devakottai to the file of the Sub Court, Poonamallee.

2. The respondent-husband has filed the above H.M.O.P.No.130 of 2017 under Section 9 of the Hindu Marriage Act on the file of the Sub Court, Devakottai for restitution of conjugal rights.

3. It is stated in the affidavit filed in support of the petition that the petitioner-wife is living in Ambattur along with her minor daughter and she is working in Lake View Matriculation School in Ambattur, Chennai. Her daughter is studying in Ebenzer Marcus International School and Junior College, Ambattur, Chennai. Hence, it would be difficult for the petitioner to travel to Devakottai along with her daughter for attending each and every hearing of the case. Hence, she sought for transfer.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. When the matter was called on 22.02.2018, there was no representation for the respondent. Even today, there is no representation for the respondent either in person or through

counsel.

6. It is stated that both the parties appeared before the Mediation and Conciliation Centre, High Court, Madras. Before the Mediation Centre, the respondent-husband admitted that he is living and employed in Chennai. If the said H.M.O.P is transferred to Sub Court, Poonamallee, no prejudice would be caused to the respondent-husband.

7. Considering the convenience of both the parties 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 deems it fit to transfer the said H.M.O.P.No.130 of 2017 pending on the file of the Sub Court, Devakottai to the file of the Sub Court, Poonamallee.

8. Accordingly, the Tr.C.M.P is allowed and H.M.O.P.No.130 of 2017 pending on the file of the Sub Court, Devakottai is withdrawn and transferred to the file of the Sub Court, Poonamallee No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

srn
To

1. The Subordinate Judge, Devakottai
2. The Subordinate Judge, Poonamallee.
+1cc to Ms.B.Poongkhulali, Advocate Sr.No.16147

CA(CO)
sm:5.4.2018

Tr.C.M.P.No.893 of 2017
and C.M.P.No.18184 of 2017

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