

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.901 of 2017
and
C.M.P.No.18312 of 2017

R.Saranya ... Petitioner

vs.

M.Saravanan ... Respondent

Prayer:- The Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. praying to withdraw the H.M.O.P.No.51 of 2017 pending on the file of the Sub Court, Namakkal and transfer the same to the Sub Court, Neyveli.

For Petitioner : Mr. C.Venkatesan
For Respondent : Mr.C.Thangaraju

O R D E R

This Transfer Civil Miscellaneous Petition is filed by the petitioner/wife, seeking to withdraw H.M.O.P.No.51 of 2017, pending on the file of Sub Court, Namakkal and transfer the same to the file of the Sub Court, Neyveli.

2. The respondent/husband has filed the above H.M.O.P.No.51 of 2017 under Section 13(1)(i-a) of the Hindu Marriage Act, before the Sub Judge, Namakkal for dissolution of marriage held between the petitioner and respondent on 23.01.2015.

3. It is stated by the petitioner/wife that she is jobless and she is residing in her parents house along with her minor child. As the distance between the Namakkal and Neyveli is nearly 220 kms, she is unable to attend each and every hearing of the case at Namakkal along with the minor child. Since the petitioner's parents are aged and sick, they could not accompany her to attend the Court hearings at Namakkal. Hence, she sought for transfer.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials

available on record.

5. Since the appearance of the parties is not mandatory before the Sub Court, it may not be difficult for the respondent-husband to attend the Court hearings. Hence, it would not be prejudicial for him, if the matter is transferred to Sub Court, Neyveli.

6. Considering the averments made in the affidavit filed in support of the petition and Section 19(iii-a) of the Hindu Marriage Act, where the wife has been given privilege of filing the petition wherever she is residing, this Court feels it appropriate to transfer H.M.O.P.No.51 of 2017 from the file of Sub Court, Namakkal to the file of Sub Court, Neyveli.

7. Accordingly, the transfer petition is allowed and H.M.O.P.No.51 of 2017 pending on the file of Sub Court, Namakkal shall stand withdrawn and transferred to the file of Sub Court, Neyveli. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Sub Judge,
Namakkal
2. The Sub Court,
Neyveli

+2ccs to Mr.C.Venkatesan, Advocate, S.R.No.10745

+1cc to Mr.C.Thangaraju, Advocate, S.R.No.11430

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cs/14/03/18