

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.904 of 2017
and C.M.P.No.18361 of 2017

Bhamini

... Petitioner

Vs.

B.Anand

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.1315 of 2017 from the file of the Principal Family Court, Coimbatore and transfer the same to any of the Family Court, Puducherry.

For Petitioner : Mr.K.P.Jotheeswaran

For Respondent : Mr.P.Saravana Sowmiyan

O R D E R

The petitioner/wife in the matrimonial dispute has filed this Transfer Civil Miscellaneous Petition, seeking to withdraw H.M.O.P.No.1315 of 2017 filed by the respondent/husband under Section 13(i) and (ia) of the Hindu Marriage Act for divorce, pending on the file of the Family Court, Coimbatore and transfer the same to the file of the Family Court, Puducherry.

2. In paragraph 14 of the affidavit it is stated that the petitioner is now unemployed and residing in Puducherry. She is dependent on her aged parents, who are suffering with heart ailments and that they cannot travel with her to Coimbatore, which is about 387 kms for each hearing. Hence, she sought for transfer.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. The transfer is resisted by the respondent/husband stating that it would be difficult for him to travel to Puducherry and asked for transfer to Chennai. The said request cannot be heeded to, as the said H.M.O.P is transferred to

Chennai, it would not be convenient to either of the parties.

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, this Court deems it fit to transfer the said H.M.O.P.No.1315 of 2017 pending on the file of Principal Family Court, Coimbatore to the file of Family Court, Pudcherry.

6. Considering the difficulty expressed by the respondent-husband, his appearance before the Family Court, Puducherry, is dispensed with, till the commencement of trial.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.1315 of 2017 pending on the file of Principal Family Court, Coimbatore is withdrawn and transferred to the file of Family Court, Puducherry. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Principal Family Court, Coimbatore

2. The Family Court, Puducherry.

+1cc to M/s.P.Saravana Sowmiyan, Advocate, sr.16061

+1cc to Mr.K.P.Jotheeswaran, Advocate, sr.16145

RMP (22/03/20)

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