

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.920 of 2017

and C.M.P.No.18557 of 2017

S.Padmajothi ... Petitioner/1st Respondent/Wife
vs.
1. A.Sowndararajan ... 1st Respondent/petitioner/Husband
2. A.Srenigan ... 2nd Respondent/2nd Respondent

Prayer: The Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. praying to pass an order to withdraw the case in H.M.O.P.No.122 of 2017 on the file of the Sub Court, Ponneri and transfer the same to Sub Court, Cheyyar, Thiruvannamalai.

For Petitioner : Mr.K.Thenrajan
For Respondent : Mr.M.R.Elavarasan

O R D E R

The petitioner/wife in a matrimonial proceedings has filed the above Transfer Civil Miscellaneous Petition, seeking to withdraw H.M.O.P.No.122 of 2017, pending on the file of Sub Court, Ponneri and transfer the same to the file of Sub Court, Cheyyar, Thiruvannamalai.

2. The respondent/husband has filed the above H.M.O.P.No.122 of 2017 under Section 13(1)(i-a) of the Hindu Marriage Act, before the Subordinate Judge, Ponneri, for dissolution of marriage held between the petitioner and the respondent on 20.08.2012.

3. In paragraph 6 of the affidavit filed in support of the petition, the petitioner/wife has expressed her difficulty in travelling to Ponneri with his mother, who is an agricultural Coolie. Hence, the transfer is sought for.

4. Heard the learned counsel for the petitioner as well as learned counsel for the respondent.

5. Learned counsel appearing for the respondent-husband objected for transfer of the said H.M.O.P from Ponneri to Thiruvannamalai stating that the respondent-husband is living in Chennai and and it would be easy for him to go and appear before the Family Court, Ponneri.

6. Though the respondent-husband had objected to the transfer, considering the averments made in the affidavit and also Section 19(iii-a) of the Hindu Marriage Act, which gives preference for the wife in respect of the place where she resides, it would be appropriate to transfer H.M.O.P.No.122 of 2017 from the file of Sub Court, Ponneri to the file of Sub Court, Cheyyar.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.122 of 2017 pending on the file of the Subordinate Court, Ponneri is withdrawn and transferred to the file of the Subordinate Court, Cheyyar, Thiruvannamalai District. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Subordinate Judge, Ponneri
2. The Subordinate Judge, Cheyyar, Thiruvannamalai District

+1cc to Mr.K.THENRAJAN, Advocate, S.R.No. 17082

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CA(CO)
TR(04/04/2018)

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