

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.CMP.No.922 of 2017

and CMP.No.18565 of 2017

G.Koperundevi

... Petitioner

Versus

G.Harikrishnan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw FCOP.No.2783 of 2017 from the file of the III Additional Family Court, Chennai and transfer the same to the file of the Sub-Court, Perambalur.

For Petitioner : Mr.N.Vanaraj

For Respondent : Mr.S.Vijayakumar

O R D E R

The wife in the Matrimonial proceedings has filed this petition seeking transfer of F.C.O.P. No.2783 of 2017, pending on the file of the III Additional Family Court, Chennai to the file of Sub-Court, Perambalur.

2. In the affidavit filed in support of this petition, it is stated by the wife/petitioner that the marriage between the petitioner and the respondent was solemnized on 09.09.2013. Out of the wedlock a male child was born to them on 18.10.2014. It is further stated that subsequent to the marriage, she was appointed as a Draughtsman in the State Government and posted at Perambalur Collectorate office and she is also said to be under probation and now residing in Perambalur. It is further stated that F.C.O.P.No.2783 of 2017 is filed by the husband/respondent herein for divorce before the Family Court, Chennai and it would be difficult for the petitioner to avail leave to attend each of hearings before the Family Court, Chennai, where the appearance of the parties is mandatory. Hence, the transfer is sought for.

3. The learned counsel appearing for the respondent though expressed his difficulty in transferring the F.C.O.P.No.2783 of 2017 from the file of the Family Court, Chennai, considering 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 is inclined to transfer the said proceedings.

4. As the transfer is now sought for only to the file of Sub-Court, Perambalur, the appearance of parties is not mandatory and the parties can represent through their counsel.

5. With the above observations, the Transfer Civil Miscellaneous Petition is allowed and FCOP No.2783 of 2017 pending on the file of the III Additional Family Court, Chennai, is withdrawn and transferred to the file of the Sub-Court, Perambalur. However, the appearance of the respondent/husband is dispensed with till the commencement of the trial unless and otherwise his presence is only warranted. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

1. The Judge
The III Additional Family Court,
Chennai.
2. The Subordinate Judge,
Perambalur.

+ 1 cc to Mr.S.Vijayakumar Advocate,SR.134

+ 1 cc to Mr.N.Vanaraj Advocate,SR.30

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