

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.945 of 2017
and C.M.P.No.18870 of 2017

Varsha Sarda

... Petitioner

versus

S.N.Harish Babu

.... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw and transfer H.M.O.P.No.171 of 2017 on the file of Subordinate Court, Sivakasi and transfer the same to the Principal Subordinate Court, Tambaram.

For Petitioner : Mr.K.Venkatasubban
For Respondent : Mr.B.R.Ramesh Babu

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.171 of 2017, pending on the file of Subordinate Court, Sivakasi filed by the respondent/husband for divorce under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act, and transfer the same to the file of Principal Subordinate Court, Tambaram.

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

3. In paragraph 9 of the affidavit, it is stated by the petitioner/wife that as she is working in M/s.Infosys at Paranur, Chengalpet District and the minor daughter born out of the wedlock is studying in Boaz Public School, Tambaram, it would be difficult for her to leave the child and go to Sivakasi to attend the hearings. Further it is stated that the petitioner/wife has also filed M.C.No.37 of 2017, on the file of the Judicial Magistrate Court, Tambaram.

4. The learned counsel for the respondent opposed the said averment stating that the wife does not have permanent address and she keeps on shifting her residence often. This Court is of

the view that the said submission is not relevant at this point of time. Admittedly, the respondent/husband is also working in Bangalore and he has to attend the hearings in the Subordinate Court, Sivakasi, once the trial is commenced.

5. Considering the above facts and taking into account Section 19(iii-a) of the Hindu Marriage Act, which speaks that the convenience of the wife is paramount, and also the fact that the petitioner/wife is educating the child, this Court is of the view that it would be appropriate to transfer H.M.O.P.No.171 of 2017, pending on the file of Subordinate Court, Sivakasi to the file of Principal Subordinate Court, Tambaram.

6. In the light of the above discussion, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.171 of 2017, pending on the file of Subordinate Court, Sivakasi shall stand withdrawn and transferred to the file of Principal Subordinate Court, Tambaram. The appearance of both the parties are dispensed with, till the commencement of the trial. No Costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1. The Subordinate Judge,
Sivakasi.
2. The Principal Subordinate Judge,
Tambaram.

+1 CC to Mr.S. Annamalai, Advocate sr 9089.

+1 CC to Mr.B.R. Ramesh Babu, Advocate sr 8325

Tr.C.M.P. No.945 of 2017
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RR(CO)
SP(21/02/2018)