

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:12.01.2018

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.955 of 2017
and
C.M.P.No.19173 of 2017

S.Sujatha

.. Petitioner

-Vs-

G.Santhoshkumar

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw and transfer the H.M.O.P.No.68 of 2017 on the file of the Sub Court, Rasipuram, Namakkal District to the VI Additional Family Court, Chennai.

For petitioner ... Mr.R.Karunakaran
For Respondent ... served-No Appearance

O R D E R

The petitioner/wife has filed the above Transfer Civil Miscellaneous Petition to withdraw the H.M.O.P.No.68 of 2017 pending on the file of the Sub Court, Rasipuram, Namakkal District and transfer the same to the file of the VI Additional Family Court, Chennai.

2. The respondent/husband has filed the above H.M.O.P.No.68 of 2017 under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. Earlier, the petitioner/wife has filed a maintenance petition in M.C.No.97 of 2017 on the file of the VI Additional Family Court, Chennai.

3. In the affidavit filed in support of the petition, the petitioner-wife has stated that the respondent-husband and his relatives have been torturing her. Further, she cannot afford to spend money for travelling from Chennai to Rasipuram. Hence, she sought for transfer.

4. Heard the learned counsel for the petitioner. Though the respondent served with notice on 06.12.2017, he has not cared to appear either in person or through counsel.

5. As the respondent-husband has been attending the maintenance case filed by the wife before the VI Additional

Family Court, Chennai, it will not be prejudicial for the respondent to transfer the above H.M.O.P.No.68 of 2017 from Rasipuram to Chennai.

6. Considering the convenience of the wife and Section 19 (iii-a) of the Hindu Marriage Act, which gives preference for the wife in respect of the place where she resides, this Court is inclined to transfer H.M.O.P.No.68 of 2017, from the file of Sub Court, Rasipuram, Namakkal District to the file of VI Additional Family Court, Chennai to be tried along with M.C.No.97 of 2017, which is already pending there.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.68 of 2017, pending on the file of the Sub Court, Rasipuram, Namakkal District shall stand withdrawn and transferred the same to the file of VI Additional Family Court, Chennai to be tried along with M.C.No.97 of 2017. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

srn
To

1. The Sub Court, Rasipuram
2. The VI Additional Family Court, Chennai

+1cc to Mr.R.Karunakaran, Advocate Sr.no.2719

SSV(CO)
sm:7.2.2018

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