

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2018

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.960 of 2017
and C.M.P.No.19277 of 2017

A.Alagammai

... Petitioner

Vs.

S.Saravanan

... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the H.M.O.P.No.111 of 2017 now pending before the Principal Sub Judge, Trichy and to transfer the same to the Family Court, Chennai.

For Petitioner : Mr. M.Balachandar
For Respondent : Served-No appearance

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw H.M.O.P.No.111 of 2017 filed by the husband under Section 13(i-a) and (i-b) of the Hindu Marriage Act pending on the file of the Principal Subordinate Court, Trichy for divorce and to transfer the same to the file of the Family Court, Chennai.

2. In the affidavit filed in support of the petition, the petitioner-wife has stated that already she has filed a Tr.C.M.P.No.422 of 2017 before this Court seeking transfer of H.M.O.P.No.110 of 2017 pending on the file of the Principal Subordinate Judge, Trichy to the Family Court, Chennai and this Court disposed of the said Tr.C.M.P. on 28.07.2017. When the petitioner approached the Subordinate Court, Trichy and informed about the said order of this Court, she was told that there was a clerical mistake in sending notice to her and the petition number is H.M.O.P.No.111 of 2017 and not H.M.O.P.No.110 of 2017. Hence, the petitioner is now forced to approach this Court once again to file this Tr.C.M.P. It is also averred in the petition that though the respondent-husband knowing well that the petitioner-wife is living in Chennai and working in a College, he has wantonly filed the said H.M.O.P in the Principal Subordinate Court, Trichy.

3. Heard the learned counsel for the petitioner. Though the respondent is served with notice and the name of the respondent is printed in the cause list, there is no representation for him either in person or through counsel.

4. Considering the averments made in the affidavit filed in support of the petition and Section 19(iii-a) of the Hindu Marriage Act, where the wife has been given privilege of filing the petition wherever she is residing, this Court deems it fit to transfer the said H.M.O.P.No.111 of 2017 pending on the file of the Principal Subordinate Court, Trichy to the Family Court, Chennai.

5. Accordingly, the Tr.C.M.P is allowed and H.M.O.P.No.111 of 2017 pending on the file of the Principal Subordinate Court, Trichy is withdrawn and transferred to the file of the Family Court, Chennai. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Principal Subordinate Judge, Trichy

2. The Principal Judge, Family Court, Chennai.

+1cc to Mr.M.Balachandar, Advocate, S.R.No.16231

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RRK (06/03/2018)

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