

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:28.02.2018
CORAM
THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA
Tr.C.M.P. No.962 of 2017
and C.M.P.No.19303 of 2017

A.Mariammal

... Petitioner

Vs.

K.Mariyappan @ Kumar

... Respondent

Prayer:- Petition filed under Section 24 of C.P.C., to withdraw O.P.No.1200 of 2017 on the file of the I Additional Judge, Family Court, Chennai and to transfer the same to the file of Subordinate Court, Sankarankoil, Tirunelveli District to be heard and decided on merits.

For Petitioner : Mr.N.Premkumar

For Respondent : Mr.V.Vargees Amal Raja

O R D E R

The petitioner/wife in the matrimonial dispute has filed this Transfer Civil Miscellaneous Petition, seeking to withdraw O.P.No.1200 of 2017 filed by the respondent/husband under Section 13(i) (ia) of the Hindu Marriage Act for divorce, pending on the file of I Additional Family Court, Chennai and transfer the same to the file of Subordinate Court, Sankarankoil, Tirunelveli District.

2. In paragraph 14 of the affidavit, it is stated that the petitioner/wife along with her child is living with her parents and she is wholly dependent upon them for their livelihood. As the petitioner has no other source of income, she finds it very difficult to meet the legal expenses and to engage a lawyer in Chennai to contest the original petition filed by the respondent. Further, she feels it difficult to travel more than 650 kms from Tirunelveli along with her child to attend the Court hearings at Chennai and that they had been accompanied by her family members. It is also stated that the petitioner apprehends danger to her and child, if she goes to attend the hearings at Chennai. Hence, she sought for transfer.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. Considering the grievance expressed by the petitioner and also as per the provisions of Section 19 (iii-a) of the Hindu Marriage Act which gives preference for the wife to file

a petition in respect of the place where she resides, this Court is inclined to transfer O.P.No.1200 of 2017 pending on the file of the I Additional Family Court, Chennai to the file of the Subordinate Court, Sankarankoil.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and O.P.No.1200 of 2017 pending on the file of the I Additional Family Court, Chennai is withdrawn and transferred to the file of the Subordinate Court, Sankarankoil, Tirunelveli District. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

srn

To

1. The I Additional Judge, Family Court, Chennai.
2. The Subordinate Court, Sankarankoil, Tirunelveli District

SM:12.3.2018

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सत्यमेव जयते

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