

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.976 of 2017
and C.M.P.No.19796 of 2017

B.Sharmila

... Petitioner

vs.

Karthikeyan

... Respondent

Prayer: The Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. praying to withdraw the petition in H.M.O.P.No.153 of 2016 from the file of the Sub Court, Ranipet and transfer the same to the Sub Court, Ponneri.

For Petitioner : Mr.K.Balaji

For Respondent : Mr.T.P.Prabhakaran

ORDER

The petitioner/wife in a matrimonial proceedings has filed the above Transfer Civil Miscellaneous Petition, seeking to withdraw H.M.O.P.No.153 of 2016, pending on the file of Subordinate Court, Ranipet and transfer the same to the file of Sub Court, Ponneri.

2. The respondent/husband has filed the above H.M.O.P.No.153 of 2016 under Section 13(1)(i-a) of the Hindu Marriage Act, before the Subordinate Judge, Ranipet, for dissolution of marriage held between the petitioner and the respondent on 29.04.2009.

3. In paragraph 8 of the affidavit filed in support of the petition, the petitioner/wife has stated that she is the native of Puzhal and her parents are aged. She feels it very difficult to travel from Puzhal to Ranipet, which is about 150 kms away from Puzhal to attend the hearings at Ranipet. Further, the respondent-husband had already threatened her with his men. Hence, she cannot travel alone and her parents also could not accompany the petitioner due to their old age. Hence, she sought for transfer.

4. Heard the learned counsel for the petitioner as well as learned counsel for the respondent. Learned counsel appearing for the respondent opposed for transfer from Ranipet to Ponneri.

5. Though the learned counsel appearing for respondent-husband opposed for transfer, looking at the convenience of the wife as provided under Section 19(iii-a) of the Hindu Marriage Act, which gives preference for the wife in respect of the place where she resides, it would be appropriate to transfer H.M.O.P.No.153 of 2016 from the file of Subordinate Court, Ranipet to the file of Sub Court, Ponneri.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.153 of 2016 pending on the file of the Subordinate Court, Ranipet shall stand withdrawn and transferred to the file of the Sub Court, Ponneri. No Costs. Consequently, connected miscellaneous petition is closed.

12.02.2018

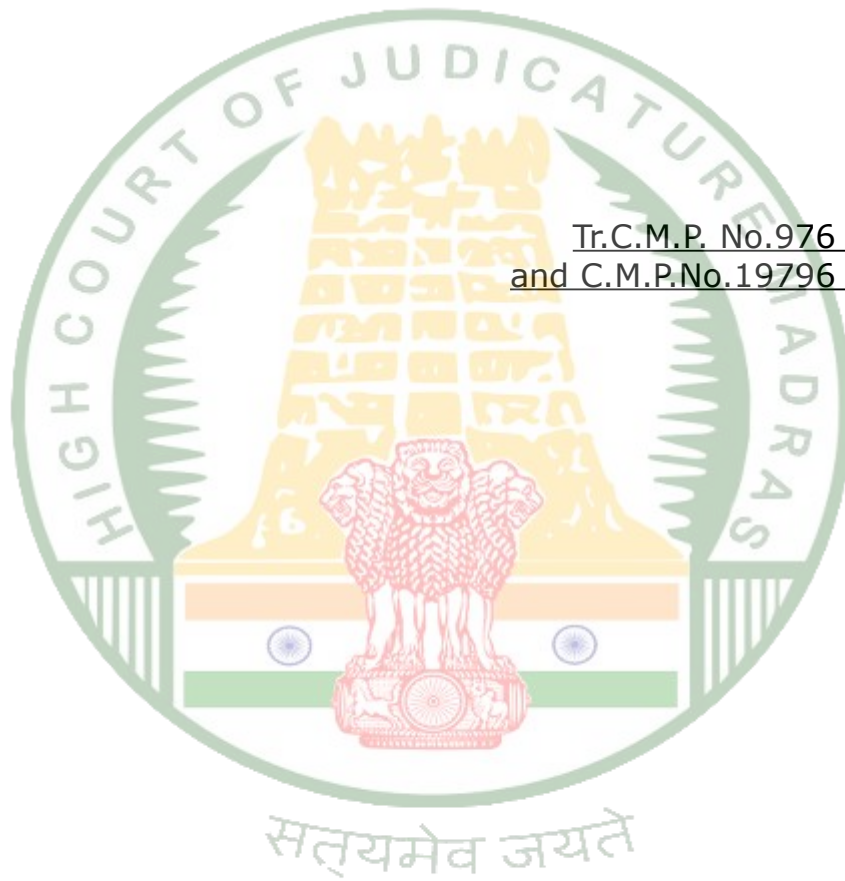
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To

1. The Subordinate Judge, Ranipet
2. The Sub Judge, Ponneri

PUSHPA SATHYANARAYANA, J.

srn



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