

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.982 of 2017
and
C.M.P.No.19837 of 2017

S. Kiruthika ... Petitioner/Respondent

versus

K. Ramesh Kumar Respondent/Petitioner

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.2874 of 2017 pending on the file of VI Additional Family Court at Chennai and transfer the same to the file of Family Court at Salem.

For Petitioner : Mr.S.Vadivel Murugan
For Respondent : No appearance

O R D E R

The petitioner/wife in the matrimonial dispute has filed this transfer Civil Miscellaneous Petition seeking transfer of H.M.O.P.No.2874 of 2017 filed by the respondent/husband under Section 13(1)(i-a) of the Hindu Marriage Act, pending on the file of VI Additional Family Court, Chennai for divorce on the grounds of cruelty to the file of Family Court, Salem.

2. Heard the learned counsel for the petitioner. The notice sent to the respondent returned with endorsement 'Left'. Hence, name of the respondent is printed in the cause list. Even then, there is no representation for the respondent either in person or through counsel.

3. In paragraph 6 of the affidavit filed in support of the petition it is stated as follows:

The petitioner respectfully submits that the petitioner along with her two sons are presently residing in Salem with her parents. The petitioner's 1st son is aged about 11 years and the second son is aged about 4 years. The petitioner cannot leave them

with her parents to take care as they are aged and if she takes them with her it will affect their studies. Further the petitioner cannot travel along with her parents or children for each hearing at Chennai as it is very difficult to her, the next hearing date of the case is on 23.11.2017. Further presently the respondent is also not residing in Chennai whereas he resides in Dubai.

4. It is now stated that the next hearing date of the case is on 04.01.2018.

5. Considering Section 19(iii-a) of the Hindu Marriage Act, which gives preference for the wife, where she resides, this Court is inclined to transfer H.M.O.P.No.2874 of 2017, pending on the file of VI Additional Family Court, Chennai to the file of Family Court, Salem.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.2874 of 2017, pending on the file of VI Additional Family Court, Chennai, shall stand withdrawn and transferred to the file of Family Court, Salem. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True copy//

Sub Assistant Registrar

rsi

To

1. The VI Additional Judge,
Family Court, Chennai.

2. The Family Judge,
Salem.

+1cc to Mr.S.Vadivel Murugan, Advocate SR.No.297

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PVS (CO)
GN(13/02/2018)