

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2018

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.6 of 2018
and C.M.P.No.64 of 2018

A.Kavitha .. Petitioner

-Vs-

S.Senthilnathan ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw H.M.O.P.No.226 of 2017 from the file of the Subordinate Judge, Karur and transfer the same to the file of the Principal Judge, Family Court, Chennai or to any other Additional Family Judge, Family Court, Chennai for enquiry, trial and adjudication according to law.

For petitioner ... Mr.R.Natarajan

For Respondent ... Served-No Appearance

O R D E R

This Transfer Civil Miscellaneous Petition is filed by the petitioner-wife seeking to withdraw H.M.O.P.No.226 of 2017 filed by the husband pending on the file of the Subordinate Court, Karur and to transfer the same to the file of the Principal Judge, Family Court, Chennai.

2. The respondent-husband has filed the above H.M.O.P.No.226 of 2017 under Section 13(1) (i-a) of the Hindu Marriage Act on the file of the Subordinate Court, Karur for divorce.

3. In paragraph 8 of the affidavit filed in support of petition, it is stated that the petitioner-wife has been suffering from ill-health due to kidney transplantation operation. She is also raising her minor daughter. Hence, it would be difficult for her to travel to Sub Court, Karur. Therefore, she sought for transfer of the case to Principal Family Court, Chennai, as she is residing within the jurisdiction of the Family Court, Chennai.

4. Heard the learned counsel for the petitioner. The respondent-husband has been served with notice both privately as well through Court. However, he has not cared to appear either in person or through counsel.

5. Taking into consideration the above grievances expressed by the petitioner and that Section 19 (iii-a) of the Hindu Marriage Act gives preference for the wife to file a petition before the jurisdictional Court where she resides either independently or along with her parents, brother, sister or relatives as the case may be, this Court deems it fit to transfer the said H.M.O.P.No.226 of 2017 pending on the file of the Subordinate Court, Karur to the file of the Principal Family Court, Chennai.

6. Accordingly, Tr.C.M.P is allowed and H.M.O.P.No.226 of 2017 pending on the file of the Subordinate Judge, Karur is withdrawn and transferred to the file of the Principal Judge, Family Court, Chennai. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

srn
To

1. The Subordinate Judge, Karur
 2. The Principal Judge, Family Court, Chennai
- + 2 ccs to M/s. R. Natarajan, Advocate Sr.18653

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SAI (CO)
EU(09/04/2018)