

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.60 of 2018
and C.M.P.No.1530 of 2018

D. Lakshmi ... Petitioner
versus
U. Hariharan ... Respondent

Prayer:- The Petition is filed under Section 24 of Civil Procedure Code praying to withdraw the proceedings in F.C.O.P.No.238 of 2017 pending on the file of Family Court, Vellore and to transfer the same to Subordinate Court, Kancheepuram.

For Petitioner : Ms.G.Preethy
For Respondent : No appearance

O R D E R

The petitioner/wife in the matrimonial proceedings has filed this transfer petition seeking to withdraw F.C.O.P.No.238 of 2017 filed by the respondent/husband under Section 9 of the Hindu Marriage Act for restitution of conjugal rights, pending on the file of Family Court, Vellore and transfer the same to Subordinate Court, Kancheepuram.

2. It is stated in the affidavit that the petitioner/wife is residing in Kancheepuram and she has got a school going daughter. Being the Family Court, the appearance of the parties is mandatory and the wife expressed difficulty in travelling to Vellore for each hearing. Hence, she is seeking for the above transfer.

3. Heard the learned counsel for the petitioner. Though notice has been served on the respondent, he has not entered appearance either in person or through counsel.

4. In the above circumstances, considering Section 19(iii-a) of the Hindu Marriage Act, which gives preference for the wife in respect of the place, where she resides, this Court is of the view that the matter may be transferred to Subordinate Court, Kancheepuram.

5. Accordingly, the Transfer Civil Miscellaneous petition is allowed by withdrawing F.C.O.P.No.238 of 2017, pending on the file of Family Court, Vellore and transferring the same to the file of Subordinate Court, Kancheepuram. No Costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

rsi

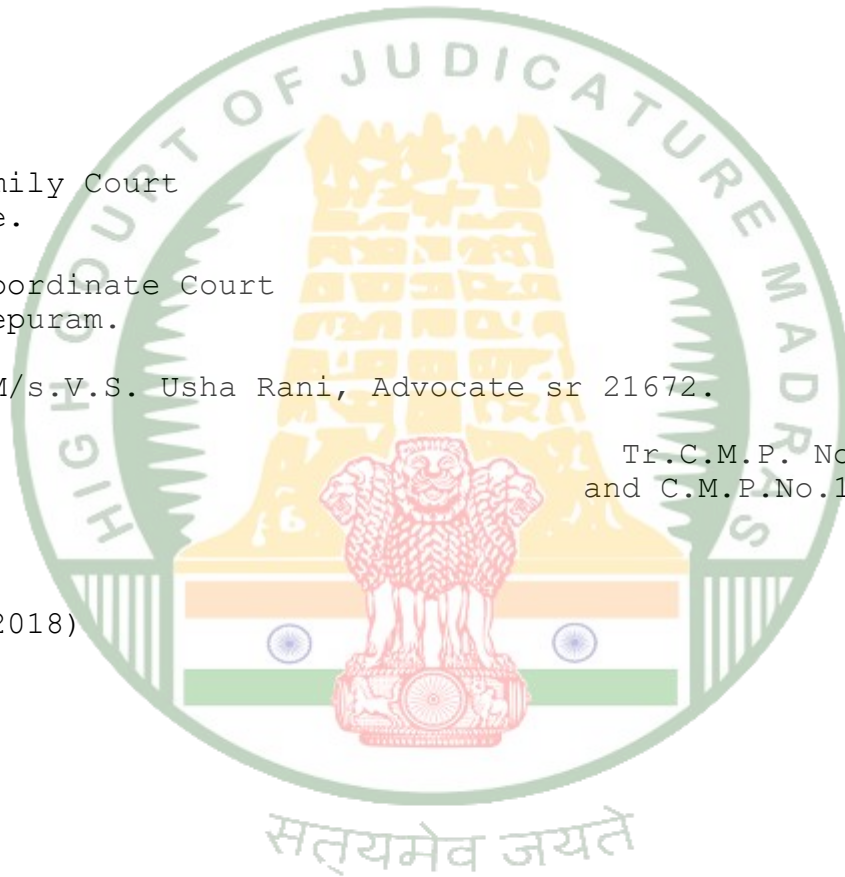
To

1. The Family Court
Vellore.
2. The Subordinate Court
Kancheepuram.

+1 CC to M/s.V.S. Usha Rani, Advocate sr 21672.

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PA (CO)
SP (13/04/2018)



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