

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.80 of 2018
and C.M.P.No.2311 of 2018

G.Amsaveni

... Petitioner

versus

P.Udayakumar

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw and transfer the H.M.O.P.No.145 of 2017 filed by the respondent herein on the file of the Family Court, Thiruvallur to any other Family Court at Chennai.

For Petitioner : Mr.M.V.Balakrishnan

For Respondent : Mr.A.Suresh Sakthi Murugan

O R D E R

The petitioner/wife in the matrimonial dispute has filed this Transfer Miscellaneous Petition seeking to withdraw H.M.O.P.No.145 of 2017 filed by the respondent/husband under Section 13(1)(i-a) of the Hindu Marriage Act for divorce, pending on the file of Family Court, Thiruvallur and transfer the same to any other Family Courts at Chennai.

2. It is stated that the petitioner/wife has also filed a maintenance petition in M.C.No.103 of 2016 on the file of the VI Additional Family Court, Chennai, which is in part-heard stage.

3. In the affidavit filed in support of the petition, it is stated that the petitioner-wife is living with her aged parents along with her daughter and it would be difficult for her to go to Family Court, Tiruvallur for each and every hearing leaving behind the daughter with her aged parents. As she is unemployed, she could not afford to meet the travelling expenses also. It is further stated that the respondent/husband is working as an Accounts Executive-cum-Team Leader in Wipro. Hence, the petitioner/wife sought for the transfer.

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

5. Learned counsel for the respondent-husband has filed the counter affidavit of the respondent-husband denying the averments made by the petitioner-wife in the transfer petition. Further, it is stated that the respondent-husband has got no serious objection for transferring the H.M.O.P.No.145 of 2017 filed by him pending on the file of the Family Court, Thiruvallur to the file of the VI Additional Family Court, Chennai. where already M.C.No.103 of 2016 is pending filed by the wife.

6. Considering the convenience of the parties and also Section 19(iii-a) of the Hindu Marriage Act, which mandates that the convenience of the wife has to be considered, this Court is inclined to transfer H.M.O.P.No.145 of 2017 from the file of Family Court, Thiruvallur to the file of VI Additional Family Court, Chennai, to be tried along with M.C.No.103 of 2016.

7. Accordingly, the Transfer Civil Miscellaneous petition is allowed and H.M.O.P.No.145 of 2017, pending on the file of Family Court, Thiruvallur is withdrawn and transferred to the file of VI Additional Family Court, Chennai, to be tried along with M.C.No.103 of 2016. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

srn
To

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

+ 1 cc to Mr.M.V.Balakrishnan,Advocate Sr.20258

Tr.C.M.P. No.80 of 2018
and C.M.P.No.2311 of 2018

GJII(CO)
EU(18/04/2018)