

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.82 of 2018

and C.M.P.No.2355 of 2018

B.Dhanalakshmi @ Saranya

... Petitioner

versus

Rajkumar

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw the H.M.O.P.No.170 of 2015 pending on the file of the Sub Court, Ponneri and transfer the same to the file of the Family Court at Chennai.

For Petitioner : Mr.J.B.Solomonpeter Kamaldoss

For Respondent : Served-No Appearance

O R D E R

The petitioner/wife in the matrimonial proceedings has filed this transfer petition seeking to withdraw H.M.O.P.No.170 of 2015 filed by the respondent/husband under Section13(1)(i-a) of the Hindu Marriage Act for divorce, pending on the file of Sub Court, Ponneri and transfer the same to the file of Family Court, Chennai.

2. From the affidavit, it is seen that the petitioner/wife has filed a petition under Domestic Violence Act before the Additional Mahila Judge, Egmore at Allikulam, Chennai in D.V.C.No.442 of 2017 and the same is pending. She has also filed a maintenance petition in M.C.No.536 of 2017 and the same is also pending before the II Additional Family Court, Chennai.

3. In paragraph 8 of the affidavit, it is stated that the petitioner/wife is staying in her parents house. The grievance of the petitioner-wife is that the Sub Court, Ponneri is far away from Chennai and she could not travel alone without any male assistance. Moreover, as the petitioner is jobless, she finds it difficult to spend the travelling expenses incurred in

attending the Court hearing at Ponneri. Hence, the transfer is sought for.

4. Heard the learned counsel for the petitioner and perused the materials available on record. Though the respondent is served with notice through Court as well as privately, there is no appearance for him either in person or through counsel.

5. Considering the above facts and also Section 19(iii-a) of the Hindu Marriage Act, which speaks that the convenience of the wife is paramount, this Court is of the view that H.M.O.P.No.170 of 2015 may be transferred to II Additional Family Court, Chennai, where M.C.No.536 of 2017 is pending.

6. Accordingly, the Transfer Civil Miscellaneous petition is allowed by withdrawing H.M.O.P.No.170 of 2015, pending on the file of Sub Court, Ponneri and transferring the same to the file of II Additional Family Court, Chennai, to be tried along with M.C.No.536 of 2017. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

srn
To

1. The Sub Court, Ponneri
2. The II Additional Judge,
Family Court, Chennai.

+1cc to Mr.J.B.SOLOMON PETER, Advocate, S.R.No. 20868

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TR(09/04/2018)

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