

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.03.2018
CORAM :
THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA
Tr.C.M.P. No.96 of 2018
and C.M.P.No.2731 of 2018

A.S.Kavitha

... Petitioner

versus

R.A.Jagan

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw and transfer the H.M.O.P.No.126 of 2017 on the file of the Family Court, Villupuram to the Family Court, Chennai.

For Petitioner : Ms.S.Padma

For Respondent : Served-No Appearance

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.126 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, Villupuram and transfer the same to the file of Family Court, Chennai.

2.The petitioner/wife has filed H.M.O.P.No.520 of 2018 under Section 9 of the Hindu Marriage Act, before the Family Court, Chennai for restitution of conjugal rights.

3.In paragraph 18 of the affidavit, it is stated that the respondent/husband is residing in Chennai with her aged parents. She expressed her difficulty in travelling since the distance from Chennai to Villupuram is more than 160 kms and the travelling time is around 3 hours. She has no income of her own and is dependent on her parents for her day to day life. Further, her aged parents could not travel for a long distance with the petitioner to attend the hearing at Villupuram. Hence, the petitioner/wife sought for the transfer.

4.Though the respondent/husband has been served with notice privately as well as through Court, he did not care to appear before this Court either in person or through counsel.

5.Considering the grievance expressed by the petitioner-wife and also considering Section 19(iii-a) of the Hindu Marriage Act, which speaks that the convenience of the wife is paramount and to avoid conflicting decisions, this Court is of the view that the matter may be transferred to suit the convenience of the wife, who is living in Chennai, where the H.M.O.P.No.520 of 2018 is already pending.

6. Accordingly, the Transfer Civil Miscellaneous petition is allowed by withdrawing H.M.O.P.No.126 of 2017, pending on the file of Family Court, Villupuram and transferring the same to the file of I Additional Family Court, Chennai, to be tried along with H.M.O.P.No.520 of 2018. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

srn
To

1. The Family Court, Villupuram
 2. The I Additional Family Court, Chennai
- +1 cc to Mrs.S.Padma Advocate sr 20898

Tr.C.M.P. No.96 of 2018
and C.M.P.No.2731 of 2018

svi(co)
aa11/04/2018

सत्यमेव जयते

WEB COPY