

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.238 of 2016
and C.M.P.No.6566 of 2016

Jaya @ Jayalakshmi

... Petitioner

versus

V. Rathakrishnan @ Krishnaraj

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw the F.C.O.P.No.536 of 2012, pending on the file of Family Court, Salem transfer to be tried along with M.C.No.3 of 2016 pending on the file of the Family Court at Dharmapuri.

For Petitioner : Mr.P.M.Jayachandran
For Respondent : No appearance

O R D E R

The petitioner/wife in the matrimonial dispute has filed this transfer Civil Miscellaneous Petition seeking transfer of F.C.O.P.No.536 of 2012, pending on the file of Family Court, Salem to the file of Family Court, Dharmapuri, to be tried along with M.C.No.3 of 2016. सत्यमेव जयते

2. The respondent/husband has filed F.C.O.P.No.536 of 2012 under Section 9 of the Hindu Marriage Act, before the Family Court, Salem for restitution of conjugal rights. The petitioner/wife has filed M.C.No.3 of 2016 under Section 125 of Cr.P.C. before the Family Court, Dharmapuri for maintenance.

3. In paragraph 7 of the affidavit filed in support of the petition it is stated by the petitioner that she is living with her parents along with her female child born out of the wedlock. She expressed her difficulty in travelling from Dharmapuri to Salem for each hearing. Hence, the transfer is sought for.

4. Heard the learned counsel for the petitioner. The notice sent to the respondent returned with endorsement 'refused'. Hence, name of the respondent is printed in the cause list. Even then, there is no representation for the respondent either in person or through counsel.

5. Considering Section 19(iii-a) of the Hindu Marriage Act, which speaks about the convenience of the wife is paramount, this Court is inclined to transfer F.C.O.P.No.536 of 2012, pending on the file of Family Court, Salem to the file of Family Court, Dharmapuri, where M.C.No.3 of 2016 is already pending.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and F.C.O.P.No.536 of 2012, pending on the file of Family Court, Salem shall stand withdrawn and transferred to the file of Family Court, Dharmapuri, to be tried along with M.C.No.3 of 2016. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

rsi

To

1. The Family Court Judge,
Salem.

2. The Family Court Judge,
Dharmapuri.

+1cc to Mr.Jayachandran, Advocate SR.No.433

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MG(CO)
GN(05/02/2018)

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