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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.179 of 2017

and C.M.P.No.3231 of 2017

K. Udaya Maheshwari

... Petitioner

versus

R. Senthil Murugan

Rep. by his Power Agent,
Mrs.Vasenthi, W/o.Selvam,
No.1182, School Street,
Pottaveli

... Respondent

(Cause title amended vide Court order dated
20.02.2018 made in C.M.P.No.2458/2018
in Tr.C.M.P.No.179 of 2017)

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.6 of 2017 on the file of the Principal Sub Court, Cuddalore and transfer the case to any of the Sub Courts in Krishnagiri.

For Petitioner : Ms.N.Sureka

For Respondent : Mr.N.Selvaraju

O R D E R

The petitioner/wife in the matrimonial dispute has filed this Transfer Civil Miscellaneous Petition seeking to withdraw H.M.O.P.No.6 of 2017 filed by the respondent/husband under Section 13(1)(ia)(ib) of the Hindu Marriage Act, pending on the file of Principal Subordinate Court, Cuddalore and transfer the same to the file of Subordinate Court, Krishnagiri.

2. The respondent/husband had already been represented only by his father as power of attorney, now C.M.P.No.2458 of 2018 is filed to amend the cause title to permit the respondent to represent the case through his power of attorney one Vasenthi, wife of Selvam, who is the sister of the respondent/husband. The said petition is ordered.

3. It is admitted that the respondent/husband is living in U.S.A. and is unable to appear before the Court in India. Therefore, he appointed the power of attorney to prosecute the case on his behalf. H.M.O.P.No.6 of 2017 is filed before the



Principal Subordinate Court at Cuddalore. The petitioner/wife, who is living in Krishnagiri, has filed this transfer petition and contended that she is residing permanently at Kaveripattinam, Krishnagiri along with her aged parents and it would be difficult for her to travel to Cuddalore, which is 250 kms away from Krishnagiri. It is also stated that D.V.C.No.7 of 2016, filed by the petitioner/wife under Section 9,12 of Protection of Women from the Domestic Violence Act is also pending before the Judicial Magistrate, Krishnagiri. Hence, she has sought for the above transfer.

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

5. Considering the fact that the respondent/husband is only prosecuting the case through his power of attorney and Section 19(iii-a) of the Hindu Marriage Act mandates that the convenience of the wife has to be considered, this Court is of the view that H.M.O.P.No.6 of 2017 may be transferred to Subordinate Court, Krishnagiri.

6. Accordingly, the Transfer Civil Miscellaneous petition is allowed and H.M.O.P.No.6 of 2017, pending on the file of Principal Subordinate Court, Cuddalore is transferred to the file of the Subordinate Court, Krishnagiri. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Principal Subordinate Judge,
Cuddalore.

2. The Subordinate Judge,
Krishnagiri.

+1 cc to Mr.C.Samivel Advocate sr 12845

Tr.C.M.P. No.179 of 2017
and C.M.P.No.3231 of 2017

rsy(co)
aa09/03/2018