

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.C.M.P.No.681 of 2019
and
C.M.P.No.19443 of 2019

P.Prathiba ... Petitioner/Petitioner

Vs.

R.Karthikeyan ... Respondent/Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the petition in H.M.O.P.No.217 of 2019 on the file of the Principal Subordinate Judge, Tiruppur and to transfer the same to the file of the I Additional Subordinate Court, Salem.

For Petitioner : A.Nagarathinam

For Respondent : Mr.R.Babu

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking for transfer of H.M.O.P.No.217 of 2019 pending on the file of the Principal Subordinate Judge, Tiruppur, to the file of the I Additional Subordinate Court, Salem.

2. It is stated in the affidavit filed in support of this petition that the marriage between the petitioner and the respondent was solemnized on 26.06.2016 at Sri Vasanth Mahal Thirumana Mandapam, Seshanchavadi, Valapadi, Salem District, as per Hindu Rites and Customs. After the marriage, the petitioner got pregnancy, and knowing the fact that she was pregnant, the respondent had insisted her to go to her parental home in order to avoid the expenses for taking care her during the period of pregnancy. Therefore, the petitioner was staying at her parental home and then, she gave birth to a female child on 20.03.2017. But the respondent has neither brought her back to the matrimonial house nor has taken care of her and her child.

3. It is further stated in the affidavit that the respondent has filed a petition in H.M.O.P.No.217 of 2019 seeking for divorce, before the Principal Subordinate Judge, Tiruppur, whereas the petitioner has filed a petition in H.M.O.P.No.43 of 2019 seeking for conjugal rights, before the

I Additional Subordinate Court, Salem. Since the petitioner is residing at Salem along with her child and depending upon the income of her parents, she could not travel to Tiruppur to attend the hearings in H.M.O.P.No.217 of 2019 and therefore, she seeks transfer of the same from the file of the Principal Subordinate Judge, Tiruppur, to the file of the I Additional Subordinate Court, Salem.

4. The learned counsel appearing for the respondent though expressed his difficulty in transferring the H.M.O.P.No.217 of 2019 from the file of the Principal Subordinate Judge, Tiruppur, considering the fact that Section 19(iii-a) of the Hindu Marriage Act gives preference for the wife in respect of the place where she resides, this Court is inclined to transfer the H.M.O.P.No.217 of 2019 from the file of the Principal Subordinate Judge, Tiruppur, to the file of the I Additional Subordinate Court, Salem.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No.217 of 2019 pending on the file of the Principal Subordinate Judge, Tiruppur, is withdrawn and transferred to the file of the I Additional Subordinate Court, Salem. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

raja
To

1. The Presiding Officer,
Principal Subordinate Court,
Tiruppur.

2. The Presiding Officer,
I Additional Subordinate Court,
Salem.

+1cc to Mr.G.Pugalenthil, Advocate SR.No. 81395

+1cc to Mr.T.Senthil kumar, Advocate SR.No. 81426

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A.SK(06/12/2019)