



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM

THE HON'BLE Ms.JUSTICE P.T.ASHA

Tr.C.M.P.No.590 of 2021
and
C.M.P.No.14975 of 2021

V.Akila

... Petitioner

Vs

K.Sivaprakash

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw the case in H.M.O.P.No.87 of 2021 pending on the file of the Sub Court, Pollachi and to transfer the same post along with in H.M.O.P.No.142 of 2021 on the file of the Sub Court Udumalpet.

For Petitioner : Mr.A.M.Esakkiappan

For Respondent : Mr.A.Mohamed Ismail

ORDER

The petitioner/wife in the matrimonial dispute has filed this Transfer Civil Miscellaneous Petition, seeking transfer of H.M.O.P.No.87 of 2021, pending on the file of the Sub Court, Pollachi to the file of the Sub Court, Udumalpet, to be tried along with H.M.O.P.No.142 of 2021.

2. The respondent/husband has filed the above H.M.O.P.No.87 of 2017 under Section 9 of the Hindu Marriage Act, on the file of the Sub Court, Pollachi, for restitution of conjugal rights. Subsequently, the petitioner/wife has also filed H.M.O.P.No.142 of 2021 under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act, on the file of the Sub Court, Udumalpet, for divorce.

3. It is stated in the affidavit that the petitioner/wife is staying with her aged parents at Tiruppur. She finds it very difficult to travel from Tiruppur to Pollachi to attend each and every hearing at Pollachi. Further, her parents are aged and they could not accompany the petitioner. Hence, the transfer is sought for.

4. Heard the learned counsel for the petitioner and the



learned counsel for the respondent. The learned counsel appearing for the respondent submitted that the respondent-husband has got no serious objection for the said transfer.

5. Considering the above facts and circumstances and 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 and also no objection have been expressed by the learned counsel for the respondent-husband, this Court deems it fit to transfer the said H.M.O.P.No.87 of 2021 from the file of Sub Court, Pollachi to the file of the Sub Court, Udumalpet, to be tried along with H.M.O.P.No.142 of 2021.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.87 of 2021 pending on the file of Sub Court, Pollachi is withdrawn and transferred to the file of the Sub Court, Udumalpet, to be tried along with H.M.O.P.No.142 of 2021. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Subordinate Judge, Pollachi.

2.The Subordinate Judge, Udumalpet.

+1cc to Mr.A.Mohamed Ismail, Advocate, S.R.No.23716

+1cc to Mr.A.M.Esakkiappan, Advocate, S.R.No.23969

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C.M.P.No.14975 of 2021

GPL(CO)
CT 20/04/2022