



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2016

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.(MD)No.420 of 2014

and

M.P.(MD)No.1 of 2014

Yasmin, D/o.Ghousedeen

... Petitioner

Vs.

A.Sulthan Basha

... Respondent

Petition filed under Section 24 r/w. Section 151 of the Civil Procedure Code, to withdraw the case, in O.S.No.42 of 2013, from the file of Family Court, Madurai, and transfer the same to the Family Court, Chennai.

For Petitioner : Mr.M.Karunanithi

For Respondent : No Appearance

ORDER

This petition has been filed by the petitioner/wife to withdraw and transfer the case in O.S.No.42 of 2013 pending on the file of Family Court, Madurai, to the file of Family Court, Chennai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 22.10.2007. Two children were born in the wedlock. Due to misunderstanding between them, the petitioner left the matrimonial home along with her children and staying with her parents at Chennai. While so, the respondent filed O.S.No.42 of 2013 before the Family Court, Madurai, for dissolving the marriage, dated 22.10.2007. Now, the petitioner's daughter is studying U.K.G. at Sun Shine Academy Matriculation Higher Secondary School, Metha Nagar, Chennai.

3. According to the petitioner, the distance between Chennai and Madurai is more than 450 kilometers and being a lady, it is very difficult for her to attend each and every hearing before the Family Court, Madurai, along with her children. She is not having any independent income and is depending on her parents for her day-to-day expenses, including the travelling expenses. In the circumstances, she has come out with the present Transfer Civil Miscellaneous Petition to transfer O.S.No.42 of 2013, filed by the respondent, from the file of Family Court, Madurai, to the file of Family Court, Chennai.

4. Heard the learned counsel appearing for the petitioner. Though notice was served on the respondent and his name is printed in the cause list, he has not chosen to appear either in person or through counsel.



5. It is well settled law that whenever, the transfer application is filed in matrimonial disputes, the convenience of the wife shall be given preference, as held by the Hon'ble Supreme Court in the Judgments reported in 2008 (9) SCC 353 [Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta] and AIR 2002 SC 396 [Sumita Singh Vs. Kumar Sanjay and another].

6. Accordingly, this Transfer Civil Miscellaneous Petition is disposed of and O.S.No.42 of 2013 pending on the file of the Family Court, Madurai, is hereby withdrawn and transferred to the file of Family Court, Chennai. The learned Family Court Judge, Madurai, is directed to send the case bundles to the Family Court, Chennai, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1.The Family Court Judge, Madurai.

2.The Family Court Judge, Chennai.

+1 CC to M/s.M.KARUNANITHI, Advocate, SR No.8038

Tr.C.M.P. (MD) No.420 of 2014
and
M.P. (MD) No.1 of 2014

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