



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.04.2016

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

TR.C.M.P(MD)No.6 of 2016

and

C.M.P(MD)No.162 of 2016

Kavitha

.. Petitioner

Vs.

Karthick

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the O.P.No.4601 of 2015, on the file of the II Additional Family Court, Chennai on transfer the same to the Family Court, Tiruchirappalli.

For Petitioner : Mr.S.Muthukrishnan

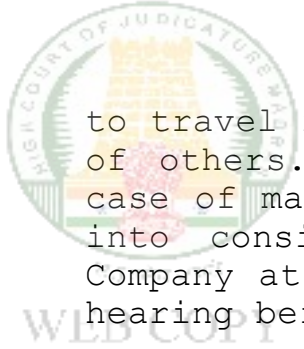
For Respondent : Mr.N.Shanmugaselvam

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw O.P.No.4601 of 2015, on the file of the II Additional Family Court, Chennai and transfer the same to the Family Court, Tiruchirappalli.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 20.05.2013. After the marriage, both were living together in the matrimonial home at Velachery, Chennai. The respondent is working in CTS at Chennai. The petitioner went to her parents house for delivery. A female child was born in the wedlock on 12.06.2014. The respondent did not come to the petitioner's parents house and did not take the petitioner to the matrimonial home. The petitioner's parents approached the respondent through their relatives for conciliation but he refused to take the petitioner to the matrimonial home. While so, the respondent filed O.P.No.4601 of 2015, on the file of the II Additional Family Court, Chennai, for divorce.

3.The contention of the petitioner for transfer is that she is not employed and depending on her parents for her day-to-day expenses including travel expenses. She finds it very difficult



to travel from Trichy to Chennai along with her child without help of others. These grounds are valid grounds for transfer in the case of matrimonial dispute. At the same time, it has to be taken into consideration that the respondent is working in Private Company at Chennai and it will be difficult for him to attend the hearing before Family Court, Trichy every hearing.

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

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)**. Therefore, I am of the view that the petition filed by the wife is liable to be ordered.

6. In the circumstances, in the interest of justice, this Transfer Civil Miscellaneous Petition is disposed of and O.P.No.4601 of 2015 on the file of the II Additional Family Court, Chennai, is hereby withdrawn and transferred to the file of the Sub Court, Trichy. The learned II Additional Family Judge, Chennai, is directed to send the case bundles to the Sub Court, Trichy, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

1.The Judge, The II Additional Family Court, Chennai.

2.The Subordinate Judge, Trichy.

3.The Section Officer, VR Section,
Madrai Bench of Madras High Court, Madurai.

+one cc to M/s.S.Muthukrishnan, Advocate in SR.No.20651
+one cc to M/s.N.Shanmuga Selvam, Advocate in SR.No.21187

am

CSL/SKS-RR/03.05.2016 : 2p/6c

TR.C.M.P(MD)No.6 of 2016
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