

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2017

CORAM :

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.222 of 2014

and

M.P.No.1 of 2014

J.Ramya

... Petitioner

Vs.

A.L.Suresh

... Respondent

Prayer:- Petition filed under Section 24 of C.P.C., to withdraw the proceedings in H.M.O.P.No.110 of 2013 on the file of the Subordinate Court at Ranipet, camp at Arakonam and transfer the same to the First Additional Family Court at Chennai.

For Petitioner : Mr.S.Subramanian

For Respondent : Mr.S.Sugendhar

O R D E R

This petition is filed to withdraw the proceedings in H.M.O.P.No.110 of 2013 on the file of the Subordinate Court at Ranipet, Camp at Arakonam and transfer the same to the First Additional Family Court at Chennai.

2. The petitioner is the wife and respondent is the husband. It is the case of the petitioner that the marriage between the petitioner and respondent was conducted on 31.05.2012 as per Hindu rites and customs. Due to the cruelty and harassment the petitioner underwent at her matrimonial home, she was forced to leave her matrimonial place and started living separately at her parents' house at Chennai. The respondent filed H.M.O.P.No.110 of 2013 on the file of the Sub Court, Ranipet, Camp at Arakonam, Vellore District for divorce, by making false allegations against the petitioner. The petitioner filed a petition in M.C.No.65 of 2014 against the respondent before the First Additional Family Court, Chennai for providing maintenance to her and the same is pending.

3. According to the petitioner, she is residing at Chennai with her parents. The distance between Chennai and Arakkonam is more than 100 kilometers and she finds it very difficult to travel. It is stated that the petitioner is not having any

independent income to take care of her basic needs and day to day expenses, and she is solely dependant on her parents to lead her daily life. In such a situation, the petitioner could not bear the expenditure incurred during travel to Arakonam to attend the Court proceedings. According to her, even the respondent knowing all these facts, has filed the H.M.O.P.No.110 of 2013 before the Sub Court, Ranipet, Camp at Arakonam, is only with an intention to harass the petitioner. Under the said circumstances, the petitioner has come out with the present transfer petition praying to withdraw the proceedings in H.M.O.P.No.110 of 2013 on the file of the Subordinate Court at Ranipet, Camp at Arakonam and transfer the same to the First Additional Family Court at Chennai.

4. Though notice was ordered by this Court on 16.04.2014 and Mr.Sugendhar, the learned counsel had filed vakalat and entered appearance on behalf of the respondent as early as in the year 2016, failed to file counter inspite of time being given to him. Till date, no counter was filed by the respondent.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

6. 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].

7. Having regard to the submissions made by the learned counsel for the petitioner and by relying on the above decision, the petition in H.M.O.P. No.110 of 2013 is ordered to be withdrawn from the file of Subordinate Court at Ranipet, Camp at Arakonam and transferred to the file of I Additional Family Court, Chennai, to be tried along with M.C.No.65 of 2014. The Subordinate Court, Ranipet, is directed to transmit all the records pertaining to H.M.O.P.No.110 of 2013 to the file of I Additional Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order.

8. Accordingly, this Transfer Civil Miscellaneous petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ds

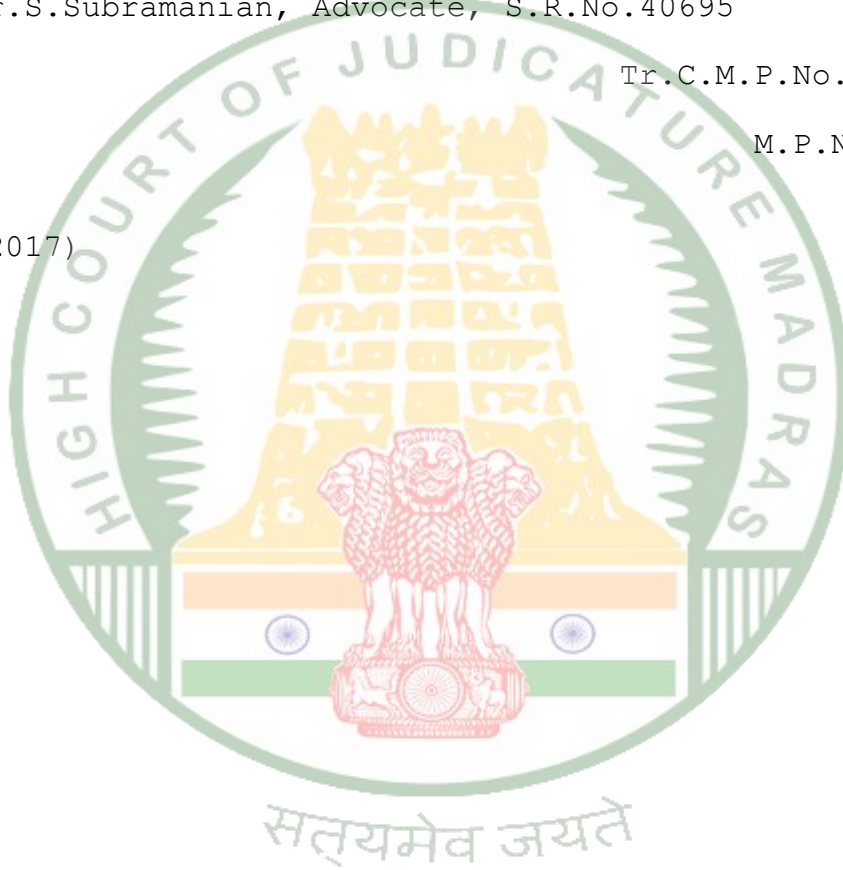
To

- 1.The Sub Judge,
Ranipet Camp at Arakonam.
- 2.The I Additional Family Court,
Chennai.

+1cc to Mr.S.Subramanian, Advocate, S.R.No.40695

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and
M.P.No.1 of 2014

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