

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.312 of 2014

Sudha

... Petitioner

Vs.

Mohanakrishnan

... Respondent

Prayer:- Petition filed under Section 24 of C.P.C., praying to withdraw H.M.O.P.No.14 of 2014 pending on the file of the Family Court at Tiruvallur and transfer the same to Sub Court, Cheyyar.

For Petitioner : Mr.B.Jawahar

For Respondent : No Appearance

O R D E R

This transfer petition is filed to withdraw the proceedings in H.M.O.P.No.14 of 2014 pending on the file of the Family Court at Tiruvallur and transfer the same to Sub Court, Cheyyar.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 01.07.2009 as per Hindu rites and customs. Due to the difference of opinion between the petitioner and respondent, they are living separately. The respondent originally filed a petition in H.M.O.P.No.73 of 2013 for divorce before the Sub Court, Tiruvallur and the same was transferred to Family Court, Tiruvallur and the same is renumbered as H.M.O.P.No.14 of 2014 and is now pending. It is seen that the petitioner has filed a petition in M.C.No.13 of 2013 before the Judicial Magistrate Court, Cheyyar seeking maintenance. The respondent remained ex-parte in the said application and failed to pay the costs as ordered by the trial Judge, and for execution of the said order, the petitioner has filed a petition in CMP.No.322 of 2013 in M.C.No.13 of 2013 and the same is pending.

3. According to the petitioner, she is residing along with her parents at Cheyyar. The distance between Cheyyar to

Tiruvallur is nearly 100 kilometers. Moreover, there is no direct bus or train service from the Cheyyar to reach Tiruvallur, and she has to board atleast three or four buses to reach Tiruvallur from Cheyyar. She is not having any independent income and she is depending on her parents to meet her daily expenses including travelling expenses. Hence, it is very difficult for the petitioner to attend the Court hearings at Tiruvallur. In the said circumstances, the petitioner has filed the present transfer petition.

4. Heard the learned counsel for the petitioner.

5. Though notice has been served to the respondent and Mr.C.N.Raman, the learned counsel has entered appearance and his name being printed in the cause-list, there is no representation on behalf of the respondent.

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

6. Having regard to the submissions made by the learned counsel for the petitioner and taking into consideration the convenience of both parties and to avoid conflicting decisions, the petition in H.M.O.P. No.14 of 2014 is ordered to be withdrawn from the file of the Family Court, Tiruvallur and transferred to the file of the Sub-Court, Cheyyar, to be tried along with CMP.No.322 of 2013 in M.C.No.13 of 2013 in the same Court for joint trial. The Family Court, Tiruvallur, is directed to transmit all the records pertaining to H.M.O.P. No.14 of 2014 to the file of Sub Court, Cheyyar, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the records, the Sub Court, Cheyyar is directed to dispose of the aforesaid proceedings at the earliest.

6. Accordingly, this Transfer Civil Miscellaneous petition is ordered. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

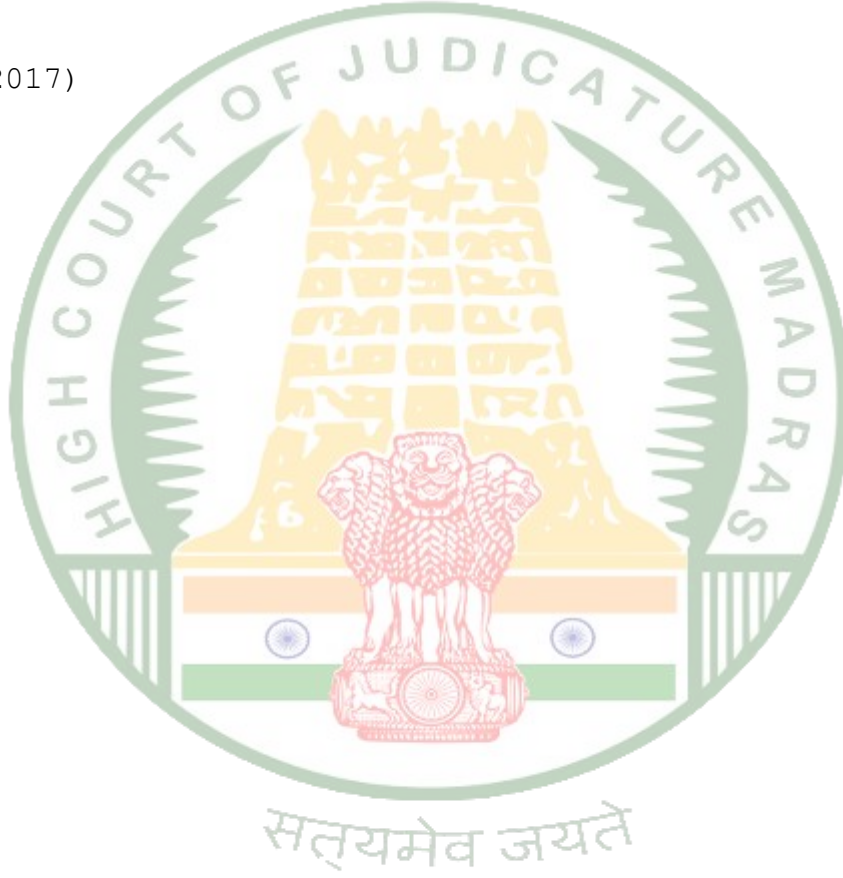
1.The Judge, Family Court,
Tiruvallur.

2.The Sub Judge,
Cheyyar.

+1cc to Mr.B.Jawahar, Advocate SR.No.40790

Tr.C.M.P. Nos.312 of 2014
and CMP.No.6515 of 2017

KGK(CO)
GN(07/07/2017)



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