

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2017

CORAM :

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.113 of 2017
and C.M.P.No.1796 of 2017

G.Archana

... Petitioner

Vs.

P.Narayanan

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.693 of 2016 from the file of the Sub-Court, Tambaram and to transfer the same to the file of the Principal Sub Court, Mayiladuthurai.

For Petitioner : M/s.K.M.Vijayan Associates
for R.Shivakumar

For Respondent : Mr.S.Umapathy

O R D E R

This petition is filed to withdraw H.M.O.P.No.693 of 2016 from the file of the Sub-Court, Tambaram and to transfer the same to the file of the Principal Sub Court, Mayiladuthurai.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnised on 16.06.2016 as per Hindu rites and customs. Due to difference of opinion arose between the petitioner and respondent, both of them are living separately. The respondent filed H.M.O.P.No.693 of 2016 for restitution of Conjugal Rights, pending on the file the Sub-Court, Tambaram. The petitioner has also filed H.M.O.P.No.250 of 2016 to annul the marriage of the petitioner with the respondent, on the file of the Principal Subordinate Court, Mayiladuthurai.

3. According to the petitioner, she is residing at Mayiladuthurai. The distance between Mayiladuthurai and Chennai is more than 300 kilo metres and being a lady, it is very difficult for her to travel from Mayiladuthurai to Chennai to attend each and every hearing before the Sub Court Tambaram. Therefore, she prays for transfer of H.M.O.P.No.693 of 2016 from the file of the Sub-Court, Tambaram to the file of the

Principal Subordinate Court, Mayiladuthurai and to try along with H.M.O.P.No.250 of 2016 pending on its file.

4. The learned counsel appearing for the respondent submitted that the respondent is residing in Chennai, if transfer petition is ordered it is very difficult for him to attend the Court at Mayiladuthurai. Therefore, he prays for dismissal of this petition.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record.

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]. Further, the petitioner has also given valid and sufficient reasons to transfer the case in H.M.O.P.No.693 of 2016 from the file of the Sub-Court, Tambaram to the file of the Principal Subordinate Court, Mayiladuthurai, where H.M.O.P.No.250 of 2016 filed by the petitioner is pending.

7. Considering the facts and circumstances of the present case and having satisfied with the reasons given in the affidavit filed in support of the petition and the above decision, the petition in H.M.O.P.No.693 of 2016 is ordered to be withdrawn from the file of the Sub-Court, Tambaram and transferred to the file of the Principal Sub-Court, Mayiladuthurai. The Sub Court, Tambaram, is directed to transmit all the records pertaining to H.M.O.P.No.693 of 2016 to the file of the Principal Sub-Court, Mayiladuthurai, 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/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

dm/jv

To

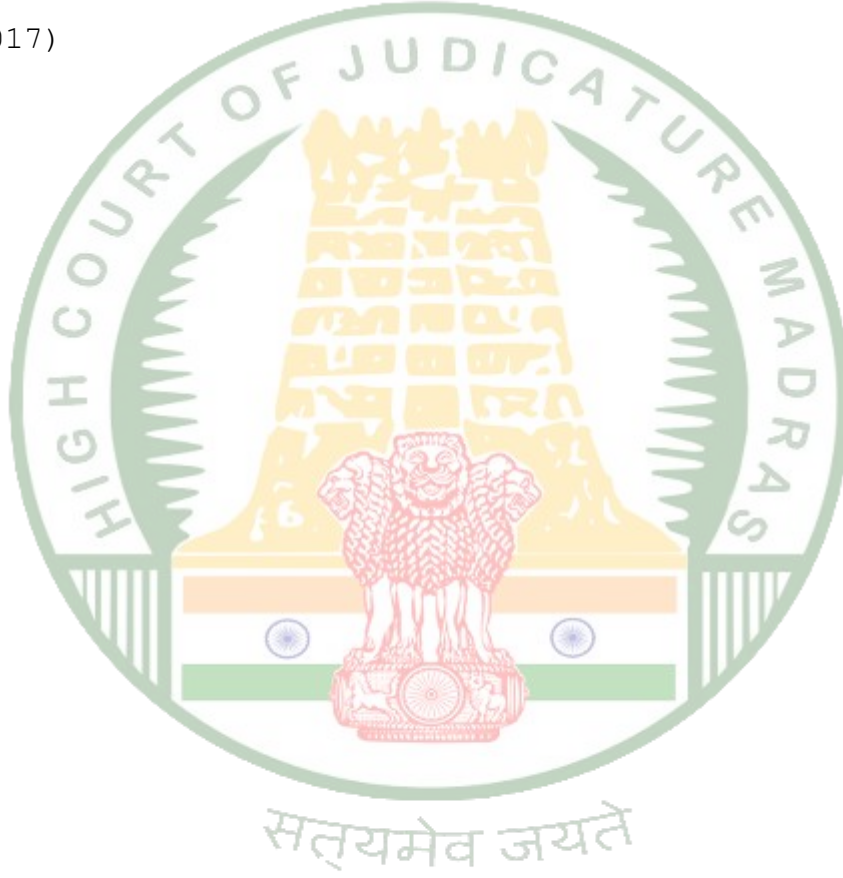
1.The Sub-Court, Tambaram.

2.The Principal Sub Court, Mayiladuthurai.

+1cc to M/s.K.M.Vijaya Associates sr.45623

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ss (25/7/2017)



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