

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2017

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.No.143 of 2017
and
C.M.P.No.2558 of 2017

J.Bhuvaneswari

... Petitioner

Vs.

A.Manickavelu

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.76 of 2016 on the file of the Principal Subordinate Judge, Tindivanam, and to transfer the same to the file of the Family Court, Puducherry.

For Petitioner : Mr.P.Dinesh Kumar

For Respondent : Mr.N.Suresh

ORDER

This petition is filed to withdraw H.M.O.P.No.76 of 2016 from the file of the Principal Subordinate Court, Tindivanam, and to transfer the same to the file of the Family Court, Puducherry.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 26.04.2007 as per Hindu rites and customs and in the wed lock, a female child was born. Due to difference of opinion arose between the petitioner and respondent, the petitioner was subjected to various harassment by the respondent and the respondent thrown the petitioner out from the matrimonial home within eight months from the delivery of the child. The respondent filed H.M.O.P.No.76 of 2016 on the file of the Principal Subordinate Court, Tindivanam.

3. According to the petitioner, she is residing at Puducherry, along with her parents with her minor child. The distance between Puducherry and Tindivanam, is more than 50 kilo metres and hence, it is very difficult for her to travel from Puducherry to Tindivanam, to attend the hearing. Further, the petitioner is not having any independent income for maintaining herself and her child including travel expenses. Therefore, she prays for transfer of H.M.O.P.No.76 of 2016

from the file of the Principal Subordinate Court, Tindivanam, to the file of the Family Court, Puducherry.

4. The learned counsel appearing for the respondent submitted that it will be difficulty for the respondent to appear before the Family Court, Puducherry, regularly and hence, he prays for dismissal of the petition.

5. Heard the learned counsel for the petitioner and the learned counsel for 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].

7. Having regard to the submissions made by the learned counsel for the petitioner along with the above decision, the petition in H.M.O.P.No.76 of 2016 is ordered to be withdrawn from the file of the Principal Subordinate Court, Tindivanam, and transferred to the file of the Family Court, Puducherry. The Presiding Officer, Principal Subordinate Court, Tindivanam, is directed to transmit all the records pertaining to H.M.O.P.No.76 of 2016 to the file of the Family Court, Puducherry, 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(CO)

//True Copy//

Sub Assistant Registrar

Jrl
To

1.The Principal Subordinate Judge,
Tindivanam.

2.The Family Judge,
Puducherry.

+1cc to Mr.D.Ravichander, Advocate, S.R.No.44124

+1cc to Mr.N.Suresh, Advocate, S.R.No.44446

Tr.C.M.P. No.143 of 2017

MG (CO)

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