

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2017

CORAM :

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.153 of 2017 &
C.M.P.No.2882 of 2017

N.Vaishnu Devi

... Petitioner

Vs.

A.T.Satish Kumar

... Respondent

Prayer: Petition has been filed under Section 24 of C.P.C., to withdraw and transfer H.M.O.P.No.4 of 2016 on the file of the Subordinate Court, Pollachi to the Subordinate Court, Tambaram.

For Petitioner : Mr.K.V.Venkatasubban

For Respondent : No representation

O R D E R

This transfer petition is filed to withdraw and transfer H.M.O.P.No.4 of 2016 on the file of the Subordinate Court, Pollachi to the file of Subordinate Court, Tambaram.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 02.07.2009 as per Hindu rites and customs. It is stated that both were employed in Erode. Later, as per the instructions of the respondent, the petitioner resigned her job and stayed at her in-laws house in Pollachi, whereas her husband continued his job in Erode. In the wedlock, a female child was born on 13.04.2010. The petitioner and her child was abandoned by the respondent and was never taken back to the matrimonial house after delivery. The respondent filed H.M.O.P.No.4 of 2016 for divorce before the Subordinate Court, Pollachi.

3. According to the petitioner, she and her minor child is residing at her parent's house in Chengalpet. Her child is now aged 6 1/2 years and her expenses towards education and other basic needs comes to around Rs.15,000/- per month. The distance between Chengalpet and Pollachi is more than 500 kilometres and hence, it is very difficult for her to travel such a long distance along with her minor child to attend the

Court hearings. Therefore, she prays for transfer of H.M.O.P.No.4 of 2016 from the file of the Sub Court, Pollachi to the file of the Sub Court, Tambaram.

4. It appears that notice was served to the respondent and Mr.D.Selvaraju, the learned counsel has filed vakalath on behalf of the respondent. Though the name of the counsel for respondent was printed in the cause-list, there is no representation for the respondent today.

5. Heard the learned counsel for the petitioner.

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 relying on the above decision, the petition in H.M.O.P.No.4 of 2016 is ordered to be withdrawn from the file of the Subordinate Court, Pollachi and transferred to the file of the Subordinate Court, Tambaram. The Subordinate Court, Pollachi, is directed to transmit all the records pertaining to H.M.O.P.No.4 of 2016 to the file of the Subordinate Court, Tambaram, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the records, the learned Sub Judge, Tambaram is directed to dispose of the HMOP proceedings as expeditiously as possible, in any event, within a period of six months 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 (CCC)

/true copy/

Sub Asst. Registrar

ds

To
1.The Subordinate Judge,
Pollachi.

2.The Subordinate Judge,
Tambaram.

Tr.C.M.P. No.153 of 2017
& C.M.P.No.2882 of 2017

rk(co)
ss(12/7/2017)



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