

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2017

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P. No.167 of 2017
and
C.M.P.No.3004 of 2017

Manjula ... Petitioner/Respondent

Vs.

R.Vinod Kumar ... Respondent/Petitioner

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.15 of 2017 from the file of the Family Court, Tiruvallur and transfer to the file of the Family Court, Chennai.

For Petitioner : Mr.C.R.Malarvanan

For Respondent : Mr.V.Stalin

O R D E R

This petition is filed to withdraw H.M.O.P.No.15 of 2017 from the file of the Family Court, Tiruvallur and transfer to the file of the Family Court, Chennai.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 11.09.2008 as per Hindu rites and customs. In the wedlock, a female child was born to them. Due to difference of opinion, both the petitioner and respondent are living separately. The respondent filed H.M.O.P.No.15 of 2017 for divorce, before the file of the Family Court, Tiruvallur.

3. According to the petitioner, the respondent has left the matrimonial house and now she is residing in the same house at Chennai with her parents along with her minor child. The distance between Chennai and Tiruvallur is more than 40 kilometres and hence, it is very difficult for her to travel from Chennai to Tiruvallur to attend the hearing before Family Court, Tiruvallur. Further, the petitioner has no independent income and is depending on her parents for her day-to-day

expenses including travelling expenses. Therefore, she prays for transfer of H.M.O.P.No.15 of 2017 from the file of the Family Court, Tiruvallur to the file of the Family Court, Chennai.

4. Heard the learned counsel for the petitioner and the respondent.

5. 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counsel for the petitioner and with the above cited decisions, the petition in H.M.O.P.No.15 of 2017 is ordered to be withdrawn from the file of the Family Court, Tiruvallur and transferred to the file of the Family Court, Chennai. The Presiding Officer, Family Court, Tiruvallur, is directed to transmit all the records pertaining to H.M.O.P.No.15 of 2017 to the file of the Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order.

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

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

gv
To

- 1.The Family Court,
Tiruvallur.
- 2.The Family Court,
Chennai.

+1cc to Mr.V.Stalin, Advocate Sr. 44964
+1cc to Mr.C.R.Malarvanan, Advocate Sr. 44666

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AR(V)
VR(11/07/2017)