

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2017

CORAM

THE HON'BLE Ms. JUSTICE V.M.VELUMANI

Tr. C.M.P No.169 of 2017
& C.M.P.No.3120 of 2017

P.V.Kanchana

... Petitioner

Vs.

N.Praveen Kumar

... Respondent

Prayer : Petition filed under Section 24 of the Civil Procedure Code, to transfer the petition in F.C.O.P.No.58 of 2016 on the file of the Family Court, Chingleput to the IV Additional District Court, Thiruvallur at Ponneri.

For Petitioner : Mr.J.R.K.Bhavanantham
For Respondent : No appearance

O R D E R

This petition is filed to transfer the petition in F.C.O.P.No.58 of 2016 on the file of the Family Court, Chingleput to the IV Additional District Court, Thiruvallur at Ponneri.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and the respondent was conducted on 27.08.2025 as per Hindu rites and customs. Due to difference of opinion, the petitioner and the respondent are living separately. The respondent filed F.C.O.P.No.58 of 2016 on the file of Family Court, Chengalpet for divorce.

3. According to the petitioner, she is residing at Ponneri, Tiruvallur District alongwith her parents. The distance between Ponneri and Chengalpet is more than 60 kms. and being a lady, it is very difficult for her to attend each and every hearing before the Family Court, Chengalpet along with her aged father. She is not having any independent income and is depending on her parents for her day-to-day expenses, including the travelling expenses. In these circumstances, she has come out with the present Transfer Civil Miscellaneous Petition.

4. Though notice has been served on the respondent and the name of the respondent has been printed in the cause list on 22.06.2016, there is no representation for the respondent either in person or through counsel. Today also, there is no representation for the respondent.

5. It is well settled law 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 F.C.O.P.No.58 of 2016 filed by the respondent, from the file of Family Court, Chengalpet, to the file of IV Additional District Court, Thiruvallur at Ponneri.

6. 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, without deciding the issue on merits, the petition in F.C.O.P.No.58 of 2016 is ordered to be withdrawn from the file of Family Court, Chengalpet and transferred to the file of IV Additional District Court, Thiruvallur at Ponneri. The Presiding Officer, Family Court, Chengalpet is directed to transmit all the records pertaining to F.C.O.P.No.58 of 2016 to the file of IV Additional District Court, Thiruvallur at Ponneri, within a period of two weeks from the date of receipt of a copy of this order.

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

Sd/-
सत्यमेव जयते

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

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To

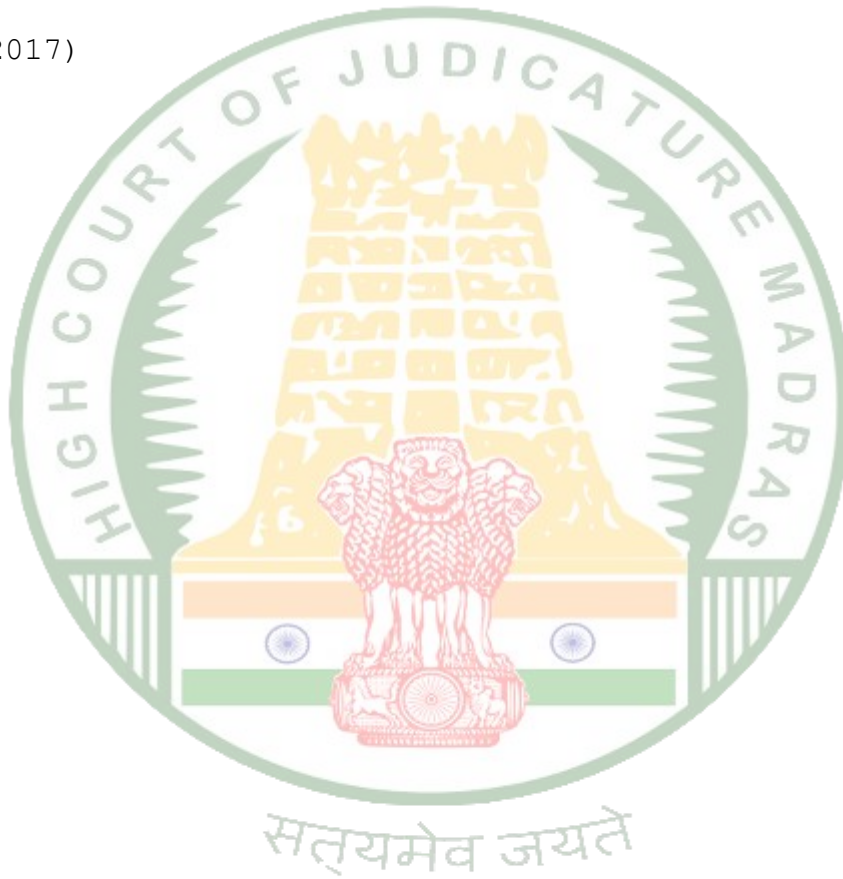
1. The Family Court,
Chengalpet

2. The IV Judge,
Additional District Court,
Tiruvallur at Ponneri.

+1cc to Mr.J.R.K.Bhavanantham, Advocate 45224

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KS (CO)
VR(18/07/2017)



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