

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.180 of 2017
&
C.M.P. No.3232 of 2017

Ramya

... Petitioner/Respondent

Vs.

Devisingh

... Respondent/Petitioner

Prayer: Petition has been filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.288 of 2016 from the file of the Subordinate Court, Namakkal, and transfer the same to the file of the Subordinate Court, Pollachi.

For Petitioner : Mr.C.R.Malarvannan

For Respondent : Mr.G.Anbuchezhian

ORDER

This petition has been filed by the petitioner seeking to withdraw the H.M.O.P.No.288 of 2016 from the file of the Subordinate Court, Namakkal, and transfer the same to the file of the Subordinate Court, Pollachi.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 29.06.2015 as per Hindu rites and customs and in the wed lock, a male child was born. Demanding dowry from the petitioner, the respondent, thrown her out from the matrimonial home and the respondent filed H.M.O.P.No.288 of 2016 for divorce against the petitioner before the Subordinate Court, Namakkal.

3. According to the petitioner, she is residing at Pollachi with her parents along with her minor son. The distance between Pollachi and Namakkal is more than 150 kilo metres and hence, it is very difficult for her to travel from Pollachi to Namakkal to attend the hearing. Therefore, she prays for transfer of H.M.O.P.No.288 of 2016 from the file of the Subordinate Court, Namakkal to the file of the Subordinate Court, Pollachi.

4. Heard the learned counsel for the petitioner and the learned counsel for 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 that the petitioner along with her male child are living with her parents house at Pollachi, the petition in H.M.O.P.No.288 of 2016 is ordered to be withdrawn from the file of the Subordinate Court, Namakkal, and transferred to the file of the Subordinate Court, Pollachi. The Presiding Officer, Subordinate Court, Namakkal, is directed to transmit all the records pertaining to H.M.O.P.No.288 of 2016 to the file of Subordinate Court, Pollachi, 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/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Jr1

To

1. The Subordinate Court,
Namakkal.
2. The Subordinate Court,
Pollachi.

+1cc to Mr.N.Mohideen Basha, Advocate, S.R.No.44064

Tr.C.M.P. No.180 of 2017

SR(CO)
CS/14/07/17