

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2017

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.No.184 of 2017 &
C.M.P.No.3427 of 2017

T.Deepa Lakshmi

...Petitioner

Vs

G.Rajesh Kumar

...Respondent

TRANSFER PETITION filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P.No.278 of 2016 on the file of the Family Court, Tiruchirapalli and transfer the same to the file of the Family Court, Chennai for being dispose of on merits.

For Petitioner : Mr.A.Saravanan
For Respondent : No Appearance

ORDER

This petition has been filed by the petitioner/wife to withdraw and transfer the case in H.M.O.P.No.278 of 2016 pending on the file of Family Court, Tiruchirapalli and transfer the same to the file of the Family Court, Chennai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnised on 09.02.2015 as per Hindu rites and customs. After the marriage, both the petitioner and the respondent were residing together and living happily. Due to the dispute that arose between them, they are living separately. A female child was born in the wedlock, on 01.06.2016 and now she is aged about eight months. Due to misunderstanding between them, the petitioner left the matrimonial home along with her child and staying with her parents at Chennai. While so, the respondent filed H.M.O.P.No.278 of 2016 for divorce on the ground of cruelty before Family Court, Tiruchirapalli. The said H.M.O.P.No.278 of 2016 is still pending.

3. According to the petitioner, the distance between Tiruchirapalli and Chennai is more than 350 kilometers and being a lady and also having eight months female child, it is very

difficult for her to attend each and every hearing before the Family Court, Tiruchirapalli, along with her minor child. She is not having any independent income and is depending on her parents for her day-to-day expenses, including the

travelling expenses. In the said circumstances, she has come out with the present Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.278 of 2016, filed by the respondent, from the file of Family Court, Tiruchirapalli, to the file of Family Court, Chennai.

4. Heard the learned counsel appearing for the petitioners. Despite service of notice, there is no representation for the respondent either in person or through his counsel.

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]. Further, the petitioner has also given valid and sufficient reasons to transfer the case in H.M.O.P.No.278 of 2016 from the file of Family Court, Tiruchirapalli, to the file of Family Court, Chennai.

6. Accordingly, this Transfer Civil Miscellaneous Petition is disposed of and H.M.O.P.No.278 of 2016 pending on the file of the Family Court, Tiruchirapalli, is hereby withdrawn and transferred to the file of Family Court, Chennai. The Family Court, Tiruchirapalli, is directed to send the case bundles to the Family Court, Chennai, forthwith. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected CMP is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kal/rna

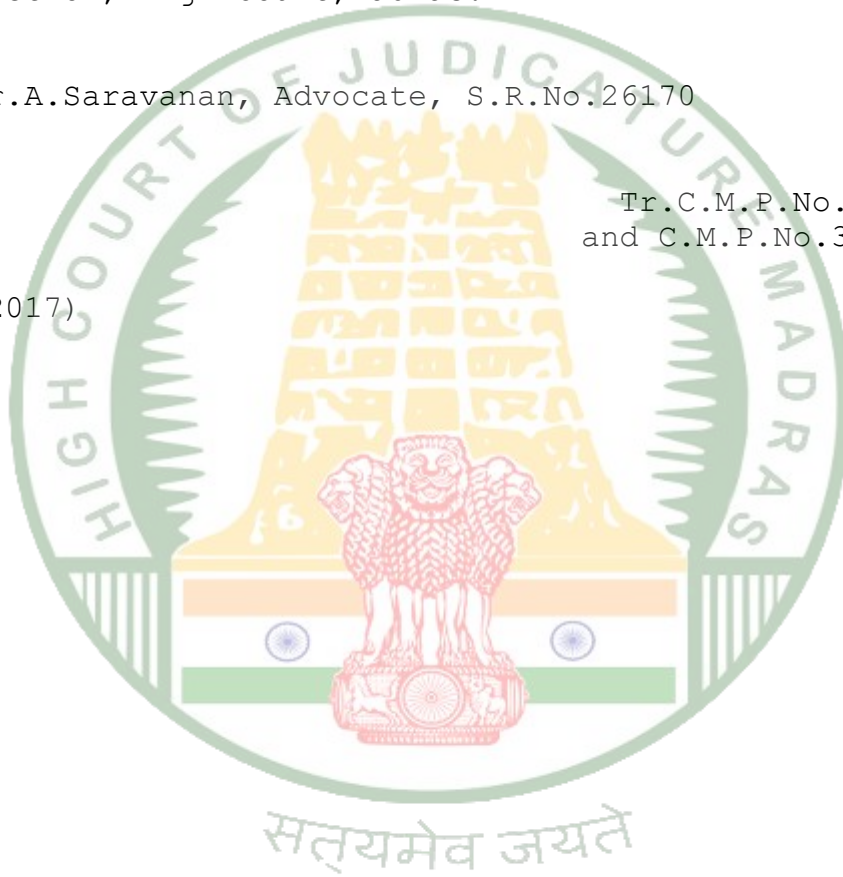
To

1. The Family Court,
Tiruchirapalli.
2. The Family Court,
Chennai.
3. The Section Officer,
V.R.Section, High Court, Madras.

+1cc to Mr.A.Saravanan, Advocate, S.R.No.26170

Tr.C.M.P.No.184 of 2017
and C.M.P.No.3427 of 2017

skv (CO)
RS (11/05/2017)



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