

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.217 of 2017

&

C.M.P.No.3922 of 2017

D.Jamuna

... Petitioner

Vs.

M.Venkatesan

... Respondent

Prayer: Petition has been filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.90 of 2016 on the file of the Subordinate Court, Arani, and to transfer the same to the Subordinate Court, Tambaram.

For Petitioner : Mr.S.Nagarajan

For Respondent : Mr.G.Vinothkumar

O R D E R

This petition has been filed to withdraw H.M.O.P. No.90 of 2016 on the file of the Subordinate Court, Arani and transfer it 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 solemnised on 26.03.2014 as per Hindu rites and customs. Due to difference of opinion arose between the petitioner and respondent, both of them are living separately. The respondent filed H.M.O.P.No.90 of 2016 for restitution of conjugal rights before the Sub-Court, Arani.

3. According to the petitioner, both the petitioner and respondent are living separately at Perungalathur, and they both were employed in Chennai. But the respondent with an intention to harass the petitioner, has purposely filed the petition for restitution of conjugal rights before the Sub Court, Arani. The distance between Perungalathur, Chennai and Arani is more than 260 kilometers and hence, it is very difficult for her to travel from Perungalathur to Arani to attend the hearing. Therefore, she prays for transfer of H.M.O.P.No.90 of 2016 from the file of the Sub Court, Arani to the file of the Sub-Court, Tambaram.

4. Heard the learned counsel for the petitioner and the learned counsel appearing 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counsel for the petitioner and relying on the above decision, the petition in H.M.O.P.No.90 of 2016 is ordered to be withdrawn from the file of the Sub-Court, Arani and transferred to the file of the Sub-Court, Tambaram. The Sub Court, Arani, is directed to transmit all the records pertaining to H.M.O.P.No.90 of 2016 to the file of the Sub-Court, Tambaram, 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(CCC)

//True Copy//

Sub Assistant Registrar

ds

To:

1. The Sub Court,
Arani.
2. The Sub Court,
Tambaram.

+lcc to Mr.S.Nagarajan, Advocate, S.R.No.43296

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&
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AK(CO)
CA(06/07/2017)