

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.228 of 2017
and
C.M.P.No.4089 of 2017

Priyanka

... Petitioner

Vs.

V.Anand @ Vijay

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.11 of 2017 from the file of the Principal Sub-Court, Mayiladhuthurai and transfer the same to the Principal Family Court at Puducherry, to be tried along with M.O.P.No.45 of 2017 pending on the file of the Family Court, Puducherry.

For Petitioner : Mr.M.Selvam
For Respondent : Mr.S.Sounther

O R D E R

This petition is filed to withdraw H.M.O.P.No.11 of 2017 from the file of the Principal Sub-Court, Mayiladhuthurai and transfer to the file of the Principal Family Court at Puducherry, to be tried along with M.O.P.No.45 of 2017 pending on the file of the Family Court at Puducherry.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 22.05.2015 as per Hindu rites and customs. Due to difference of opinion, both the petitioner and the respondent are living separately. On 20.10.2015, the respondent left the petitioner at her parents' house and did not take her back and he filed H.M.O.P.No.11 of 2017 for divorce against the petitioner and the same is pending before the Principal Sub-Court, Mayiladhuthurai.

3. According to the petitioner, she is residing at Puducherry and she is not having any independent income and she is depending upon her parents and she filed M.O.P.No.45 of 2017 for restitution of conjugal rights and the same is pending before the Family Court, Puducherry. The distance between Puducherry and Mayiladhuthurai is more than 140 kilometers and hence, it is very difficult for her to travel from Puducherry to Mayiladhuthurai to attend the hearing. Therefore, she prays for

transfer of H.M.O.P.No.11 of 2017 from the file of the Principal Sub-Court, Mayiladhuthurai to the file of the Principal Family Court, Puducherry, and to try along with M.O.P.No.45 of 2017 pending on the file of the Family Court, Puducherry.

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 along with the above decision, the petition in H.M.O.P.No.11 of 2017 is ordered to be withdrawn from the file of the Principal Sub-Court, Mayiladhuthurai, and transferred to the file of the Principal Family Court, Puducherry, to be tried along with M.O.P.No.45 of 2017 pending on the file of the Family Court, Puducherry. The Presiding Officer, Principal Sub-Court, Mayiladhuthurai, is directed to transmit all the records pertaining to H.M.O.P.No.11 of 2017 to the file of the Principal Family Court, Puducherry, 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 VI)

//True Copy//

Sub Assistant Registrar

jrl

To

1. The Principal Sub Judge,
Mayiladhuthurai.

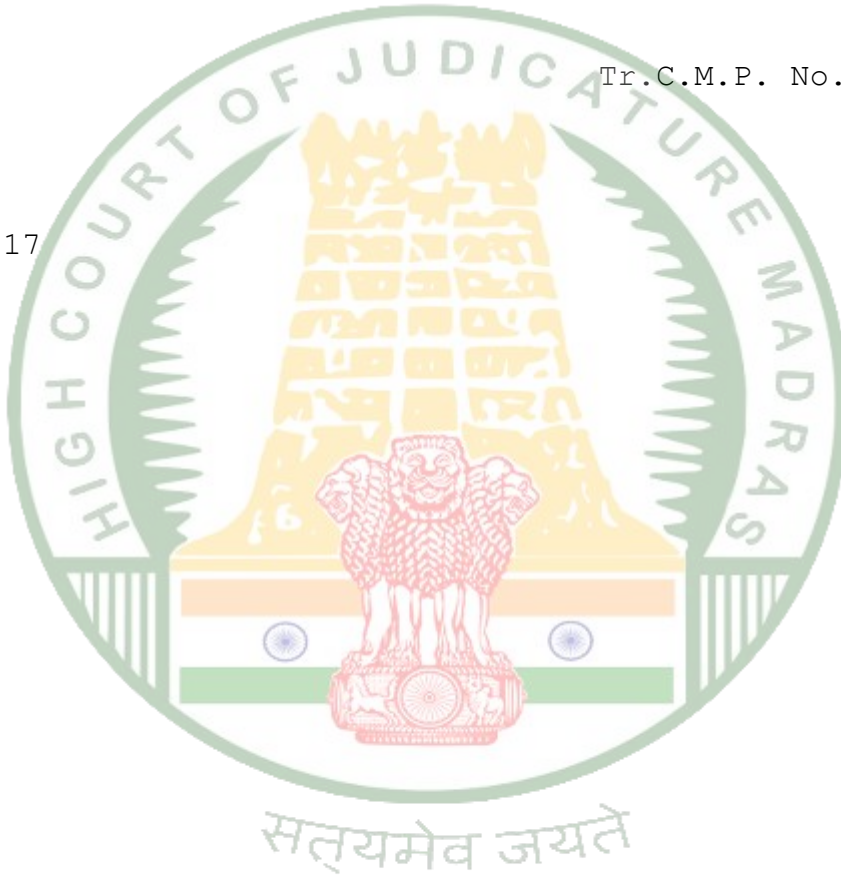
2. The Principal Judge, Family Court,
Puducherry.

+1 cc to Mr.M.Selvam Advocate sr 44080

+1 cc to Mr.S.Sounthar Advocate sr 44362

Tr.C.M.P. No.228 of 2017

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