

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2017

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.252 of 2017
and C.M.P.No.4706 of 2016

T.Salai Sivakalaiarasi ... Petitioner/Respondent

Vs.

A.S.Srinivasan ... Respondent/Petitioner

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.204 of 2017 from the file of the III Additional Family Court, Chennai and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.R.Amardeep

For Respondent : Mr.T.S.Rajamohan

O R D E R

This petition is filed to withdraw H.M.O.P.No.204 of 2017 from the file of the III Additional Family Court, Chennai and transfer the same to the file of the Family Court, Madurai.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 18.03.2016 as per Hindu rites and customs. Due to difference of opinion between the petitioner and respondent, both of them are living separately. The respondent filed H.M.O.P.No.204 of 2017 before the III Additional Family Court, Chennai to declare the marriage as nullity.

3. According to the petitioner, she is residing at Jayam Nagar in Madurai along with her parents. She has no permanent income and she is depending on her aged parents. Moreover, the distance between Madurai and Chennai is more than 500 kilo metres and hence, it is very difficult for her to travel from Madurai to Chennai to attend the hearing.

Therefore, she prays for transfer of H.M.O.P.No.204 of 2017 from the file of the III Additional Family Court, Chennai, to the file of the Family Court, Madurai.

4. Heard the learned counsel for the petitioner as well as the learned counsel for the respondent.

5. Learned counsel for the respondent filed counter affidavit and submitted that the petitioner already filed number of criminal complaints against the respondent. However, she had not chosen to appear before the investigating officer for enquiry. It is further contended that this transfer petition is filed only to harass the respondent and hence, prays for dismissal of the same.

6. 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].

7. 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.204 of 2017 is ordered to be withdrawn from the file of the III Additional Family Court, Chennai and transferred to the file of the Family Court, Madurai. The III Additional Family Court, Chennai, is directed to transmit all the records pertaining to H.M.O.P.No.204 of 2017 to the file of the Family Court, Madurai, within a period of two weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

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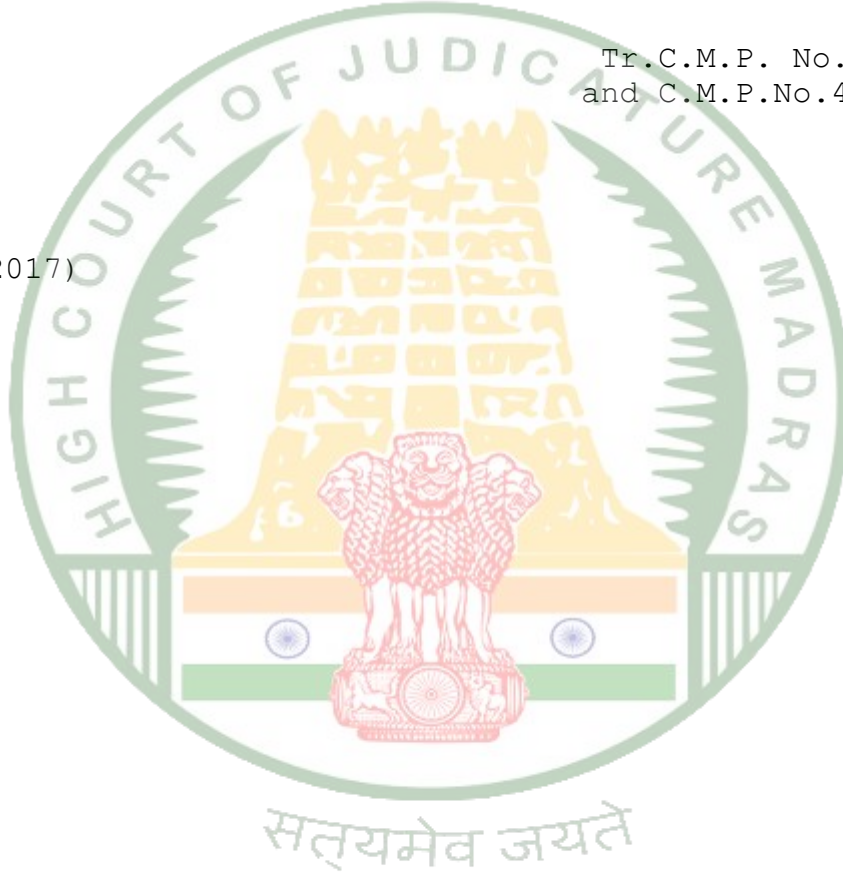
To

1. The III Additional Judge Family Court,
Chennai.
2. The Judge,
Family Court,
Madurai.

+1cc to M/s.T.S.Rajamohan, Advocate, SR.No.46433/17

Tr.C.M.P. No.252 of 2017
and C.M.P.No.4706 of 2017

SV (CO)
CU (14/07/2017)



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