

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2017

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.255 of 2017
and
C.M.P.No.4838 of 2017

A.Beula Martin

... Petitioner

Vs.

J.Rajesh Singh

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw IDOP.No.112 of 2016 from the file of the Family Court, Chengalpattu and transfer to the file of the Court of District Judge of Kanyakumari at Nagercoil.

For Petitioner : Mr.J.John Jayakumar

For Respondent : No appearance

O R D E R

This petition is filed to withdraw IDOP.No.112 of 2016 from the file of the Family Court, Chengalpattu and transfer to the file of the District Court, Nagercoil in Kanyakumari District.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnised on 29.07.2006 as per Christian rites and customs. In the wedlock, two children were born to them. Due to difference of opinion, the petitioner and respondent are living separately. The respondent filed IDOP.No.112 of 2016 for restitution of conjugal rights, before the Family Court, Chengalpattu.

3. According to the petitioner, she is residing with her parents at Nagercoil in Kanyakumari District. The distance between Kanyakumari and Chengalpet is more than 600 kilometres and hence, it is very difficult for her to travel from Kanyakumari to Chengalpet to attend the hearing along with her minor children. Moreover, she has no independent income and she has to depend on her parents including travelling expenses. Therefore, she prays for transfer of IDOP.No.112 of 2016 from the file of the Family Court, Chengalpattu to the file of the District Court, Kanyakumari at Nagercoil.

4. Though the name of the respondent has been printed in the cause list, there is no representation on behalf of him either in person or through counsel.

5. Heard the learned counsel for the petitioner.

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learned counsel for the petitioner along with the above decisions, the petition in IDOP.No.112 of 2016 is ordered to be withdrawn from the file of the Family Court, Chengalpattu and transferred to the file of the District Court, Kanyakumari at Nagercoil. The Presiding Officer, Family Court, Chengalpattu, is directed to transmit all the records pertaining to IDOP.No.112 of 2016 to the file of the District Court, Kanyakumari at Nagercoil, 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/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

gv

To

1. The Judge, Family Court,
Chengalpattu.

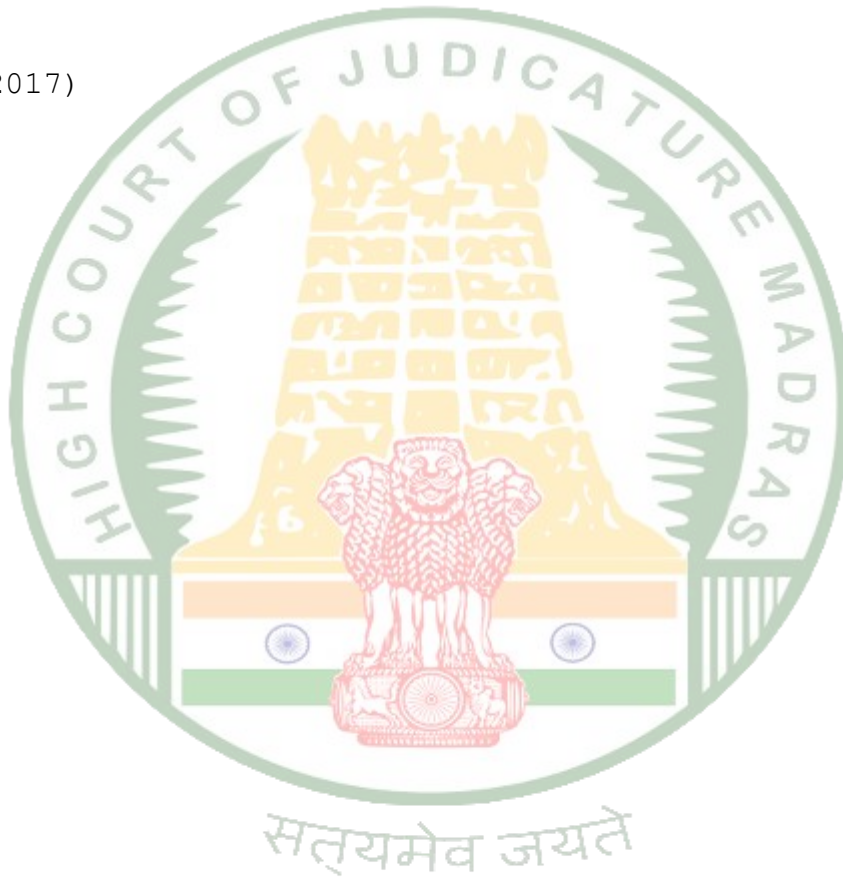
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2. The District Judge,
Nagercoil,
Kanyakumari District.

+1cc to Mr.J.JohnJayakumar, Advocate Sr. 42702

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BR(CO)
VR(13/07/2017)



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