

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.261 of 2017
and
C.M.P.No.4844 of 2017

Sathiya Priya ... Petitioner

Vs.

G.Mohan ... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw and transfer the case in H.M.O.P.No.39 of 2016 on the file of the Family Court, Nilgiris at Ootacamund, to the Family Court, Coimbatore.

For Petitioner : Mr.M.Purushothaman

For Respondent : Mr.G.Muniratnam

ORDER

This petition is filed to withdraw H.M.O.P.No.39 of 2016 from the file of the Family Court, Nilgiris at Ootacamund and to transfer the same to the file of the Family Court, Coimbatore.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 29.05.2006 as per Hindu rites and customs and in the wed lock, a female child was born on 06.06.2007. The respondent ill-treated the petitioner and thrown her out from the matrimonial home and filed H.M.O.P.No.39 of 2016 for restitution of conjugal rights before the Family Court, Nilgiris at Ootacamund.

3. According to the petitioner, she is residing at Coimbatore along with her minor child. The petitioner is also willing to live with the respondent peacefully, but the respondent is avoiding her. The minor child is

studying in 6th standard at Coimbatore. The distance between Coimbatore and Ootacamund is more than 80 kilo metres and hence, it is very difficult for her to travel from Coimbatore to Ootacamund to attend the hearing. Therefore, she prays for transfer of H.M.O.P.No.39 of 2016 from the file of the Family Court, Nilgiris at Ootacamund, to the file of the Family Court, Coimbatore.

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counsel for the petitioner along with the above decision, the petition in H.M.O.P.No.39 of 2016 is ordered to be withdrawn from the file of the Family Court, Nilgiris at Ootacamund, and transferred to the file of the Family Court, Coimbatore. The Presiding Officer, Family Court, Nilgiris at Ootacamund, is directed to transmit all the records pertaining to H.M.O.P.No.39 of 2016 to the file of the Family Court, Coimbatore, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the records, the Presiding Officer, Family Court, Coimbatore, is directed to dispose the H.M.O.P.No.39 of 2016 within a period of six months 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/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

Jr1

To

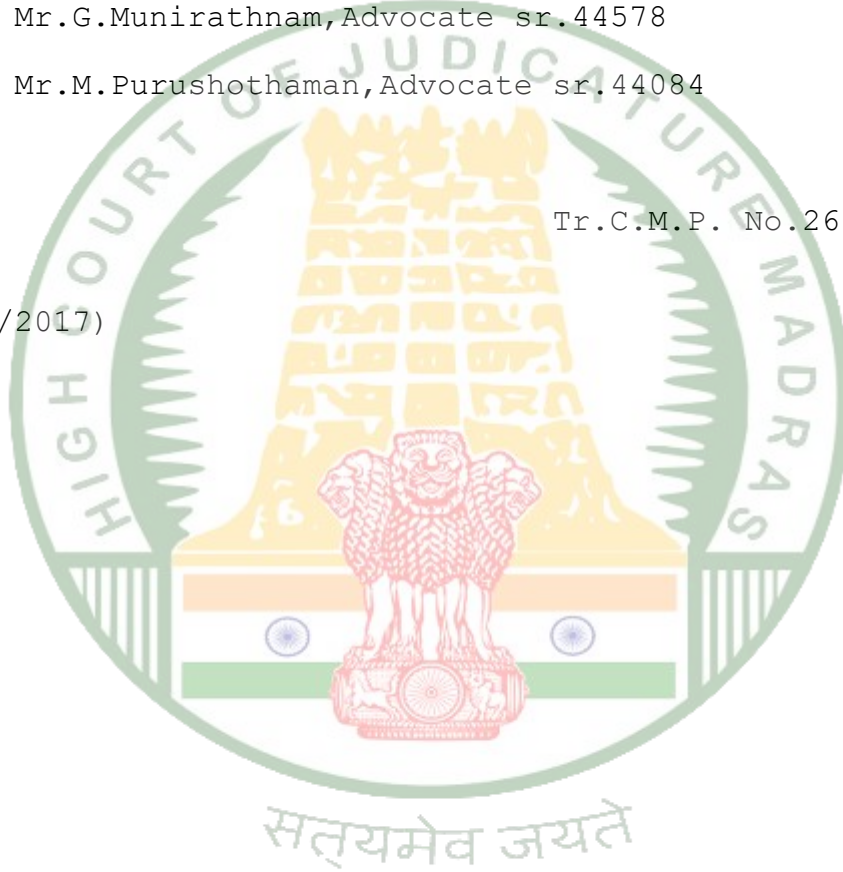
1. The Judge,
The Family Court,
Nilgiris at Ootacamund.
2. The Judge,
The Family Court,
Coimbatore.

+1cc to Mr.G.Munirathnam,Advocate sr.44578

+1cc to Mr.M.Purushothaman,Advocate sr.44084

Tr.C.M.P. No.261 of 2017

br(co)
ss(17/7/2017)



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