

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.262 of 2017 &
C.M.P.No.4856 of 2017

Poonkodi ... Petitioner/Respondent
Vs.

Santhoshkumar ... Respondent/Petitioner

Prayer: Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.828 of 2014 pending on the file of the Additional Family Court, Coimbatore and to transfer the same to the file of the Principal Sub Court, Dindigul.

For Petitioner : M/s.Dass and Viswa Associates

For Respondent : Mr.J.Karthikeyan.

O R D E R

This transfer petition is filed to withdraw H.M.O.P.No.828 of 2014 pending on the file of the Additional Family Court, Coimbatore and to transfer the same to the file of the Principal Sub Court Dindigul.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 04.11.2011 as per Hindu rites and customs. In the wedlock a female child was born on 15.8.2012. The petitioner and her child was driven out of the matrimonial house by the respondent demanding dowry. The respondent filed H.M.O.P.No.828 of 2014 for divorce before the Family Court, Coimbatore. While so, the petitioner has filed H.M.O.P.No.20 of 2016 for restitution of conjugal rights before the Principal Sub Court, Dindigul.

3. According to the petitioner, she is residing at Dindigul. The petitioner being a lady, she finds it difficult to travel from Dindigul to Coimbatore along with her child to attend the Court hearings at Coimbatore. She is not having sufficient source of income to satisfy her daily needs and to lead a normal life along with the child and in such a situation, she cannot afford to meet out the travel expenses incurred during her visit to Coimbatore to attend each and every court proceedings. In these circumstances, she has come out with the

present Transfer Civil Miscellaneous Petition. It is also prayed before this Court that the petition filed by petitioner for restitution of conjugal rights in H.M.O.P.No.20 of 2016, which is pending before the Principal Sub Court, Dindigul, may be tried and heard along with the divorce petition filed by the respondent.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

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 and by relying on the above decisions, the petition in HMOP.No.828 of 2014 is ordered to be withdrawn from the file of the Additional Family Court, Coimbatore and transferred to the file of Principal Sub Court, Dindigul, to be tried along with HMOP. No.20 of 2016 filed by the petitioner. The Additional Family Court, Coimbatore is directed to transmit all the records pertaining to HMOP.No.828 of 2014 to the file of Principal Sub Court, Dindigul, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the records, the Principal Sub Court, Dindigul, is directed to dispose of both the HMOP proceedings at the earliest.

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

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

ds/dh

To

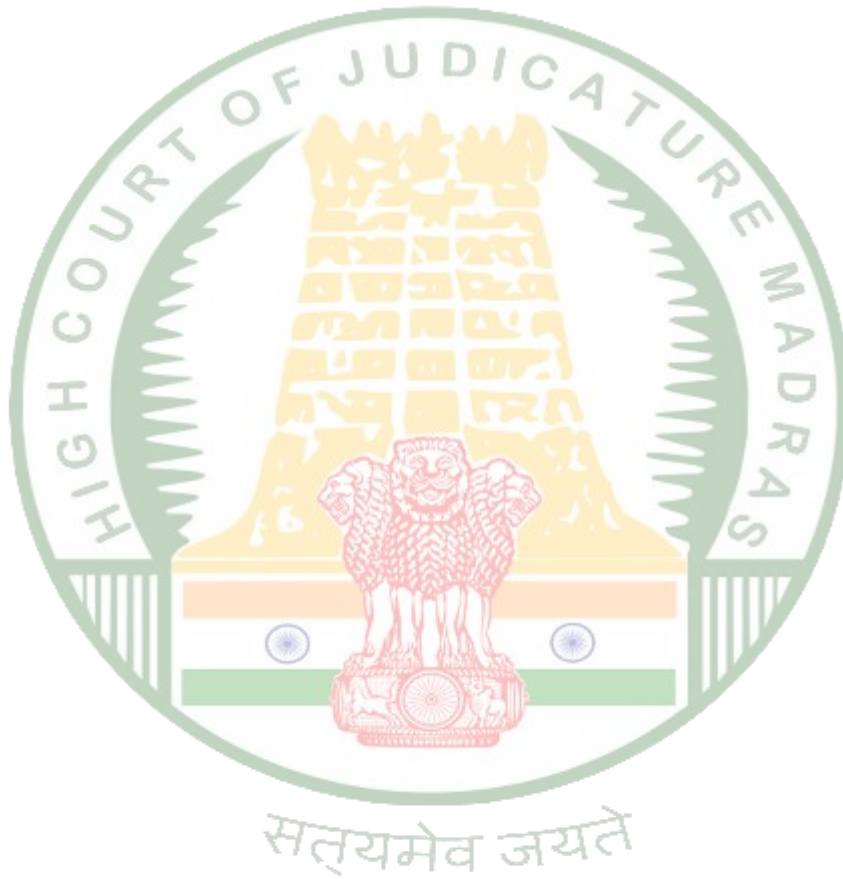
1.The Additional Family Court,
Coimbatore.

2.The Principal Sub Court,
Dindigul.

+lcc to Mr.Karthikeyan, Advocate in sr.no.43761
+lcc to M/s.Dass Viswa Associates, in sr.no.43391

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