

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.269 of 2017
and
C.M.P.No.5055 of 2017

R.Vijayalakshmi

... Petitioner

Vs.

R.Rajesh

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw the petition in H.M.O.P.No.4 of 2017 on the file of the Principal Subordinate Judge, Thanjavur and transfer the same to be tried before the Subordinate Court, Neyveli.

For Petitioner : Mr.R.Selvakumar
For Respondent : Mr.V.Janarthanan

O R D E R

This petition is filed to withdraw to withdraw the petition in H.M.O.P.No.4 of 2017 on the file of the Principal Subordinate Judge, Thanjavur and transfer the same to be tried before the Subordinate Court, Neyveli.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 10.05.2015 as per Hindu rites and customs. Due to difference of opinion, both the petitioner and respondent are living separately. The petitioner filed D.V.C.No.30 of 2016 for interim maintenance, before the file of the learned Judicial Magistrate, Ambattur. The respondent filed H.M.O.P.No.4 of 2017 for divorce before the file of the Principal Subordinate Judge, Thanjavur.

3. According to the petitioner, she is residing at Neyveli along with her parents. Further, the petitioner has no independent income and is depending on her parents for her day-to-day expenses including travelling expenses. Therefore, she prays for transfer of H.M.O.P.No.4 of 2017 from the file of the Principal Subordinate Judge, Thanjavur to the file of the Subordinate Court, Neyveli.

4. Heard the learned counsel for the petitioner and 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counsel for the petitioner and with the above cited decisions, the petition in H.M.O.P.No.4 of 2017 is ordered to be withdrawn from the file of the Principal Subordinate Judge, Thanjavur and transferred to the file of the Sub Court, Neyveli. The Presiding Officer, Principal Subordinate Judge, Thanjavur, is directed to transmit all the records pertaining to H.M.O.P.No.4 of 2017 to the file of the Sub Court, Neyveli, within a period of two weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gv

To

1. The Principal Subordinate Judge,
Thanjavur

2.The Subordinate Court,
Neyveli.

+1cc to Mr.R.SelvaKumar, Advocate SR.No.46000

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PA(CO)
GN(13/07/2017)