

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2017

CORAM

THE HON'BLE Ms. JUSTICE V.M.VELUMANI

Tr. C.M.P No.27 of 2017
& C.M.P.No.709 of 2017

Rajalakshmi @ Jebaselvi ... Petitioner

Vs.

Meganathan @ Meshak ... Respondent

Prayer : Petition filed under Section 24 of the Civil Procedure Code, to withdraw the I.D.O.P.No.243 of 2015 pending on the file of the Principal District Court Thiruvallur and transfer the same to the Family Court at Chennai.

For Petitioner : Mr.G.R.M.Palaniappan

For Respondent : Mr.C.Venkatesan

O R D E R

This petition is filed to withdraw the I.D.O.P.No.243 of 2015 pending on the file of the Principal District Court Thiruvallur and transfer the same to the Family Court at Chennai.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 10.04.2008 as per Christian rites and customs. Due to difference of opinion, the petitioner and the respondent are living separately. The respondent filed I.D.O.P.No.243 of 2015 on the file of Principal District Court, Thiruvallur for restitution of conjugal rights, only to cause serious inconvenience to the petitioner.

3. According to the petitioner, she is residing at Chennai alongwith her parents and it is very difficult for her to attend each and every hearing before Principal Sub

Court, Thiruvallur. In these circumstances, she has come out with the present Transfer Civil Miscellaneous Petition.

4. Heard the learned counsel for the petitioner, respondent and perused the materials available on record.

5. It is well settled law 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]. Further, the petitioner has also given valid and sufficient reasons to transfer the case in I.D.O.P.No.243 of 2015 filed by the respondent, from the file of Principal District Court, Thiruvallur, to the file of Family Court, Chennai.

6. Considering the facts and circumstances of the present case and having satisfied with the reasons given in the affidavit filed in support of the petition, without deciding the issue on merits, the petition in I.D.O.P.No.243 of 2015 is ordered to be withdrawn from the file of Principal District Court, Thiruvallur and transferred to the file of the Family Court, Chennai. The Presiding Officer, Principal District Court, Thiruvallur is directed to transmit all the records pertaining to I.D.O.P.No.243 of 2015 to the file of the Family Court, Chennai, within a period of two weeks 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.

सत्यमेव जयते Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

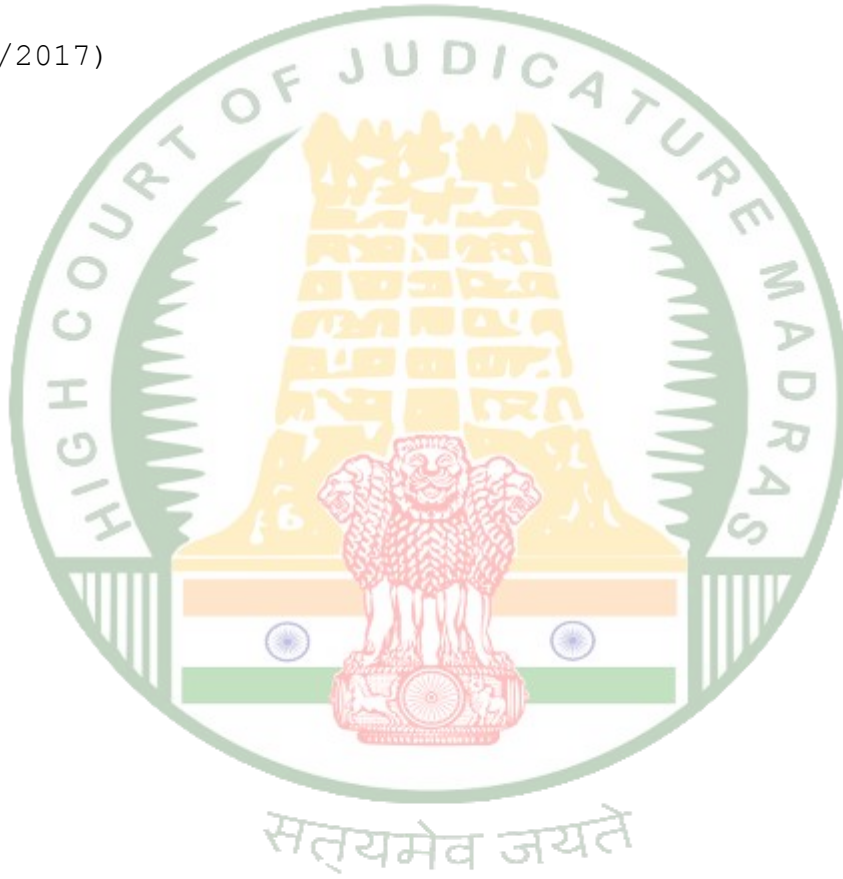
1.The Principal District Court,
Thiruvallur.

2.The Family Court,
Chennai.

+1cc to M/s.C.Venkatesan,Advocate sr.45178

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ss(19/7/2017)



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