

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.279 of 2017
and C.M.P. No.5329 of 2017

G.L.Sabitha

... Petitioner

Vs.

P.Gajapathi

.... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.53 of 2016 from the file of the Subordinate Court at Ranipet, Vellore district and transfer the same to the file of the Subordinate Court at Poonamalle, Tiruvallur District.

For Petitioner : Mr.K.Wilson
For Respondent : No appearance

O R D E R

This petition is filed to withdraw H.M.O.P.No.53 of 2016 from the file of the Subordinate Court at Ranipet, Vellore District and transfer to the file of the Subordinate Court, Poonamalle, Tiruvallur District.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 29.10.2010 as per Hindu rites and customs. Due to difference of opinion, the petitioner and respondent are living separately. The petitioner filed H.M.O.P.No.53 of 2016 for divorce on the file of the Subordinate Judge at Ranipet, Vellore District.

3. The learned counsel for the petitioner submitted that both the petitioner and the respondent are residing at Avadi and it will not be difficult for them to appear before the Subordinate Court, Poonamallee. Therefore, he prays for transfer of H.M.O.P.No.53 of 2016 from the file of the Subordinate Judge at Ranipet, Vellore District to the file of the Subordinate Court at Poonamallee, Tiruvallur District.

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counsel for the petitioner along with the above decision, the petition in H.M.O.P.No.53 of 2016 is ordered to be withdrawn from the file of the Subordinate Court at Ranipet, Vellore District and transferred to the file of the Subordinate Court at Poonamallee, Tiruvallur District. The Subordinate Court at Ranipet, Vellore District is directed to transmit all the records pertaining to H.M.O.P.No.53 of 2016 to the file of the Subordinate Court at Poonamallee, Tiruvallur District, 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 Subordinate Court at Ranipet,
Vellore District.
 2. The Subordinate Court, Poonamallee,
Tiruvallur District.
- +1cc to M/S.K.Wilson, Advocate Sr. 42657

Tr.C.M.P.No.279 of 2017
and
C.M.P. No.5329 of 2017

RK(CO)
VR(10/07/2017)