

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.285 of 2017
and
C.M.P.No.5439 of 2017

K.S.Glory @ Glory Christinal ... Petitioner
Vs.

B.Tamilarasu Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw O.P.No.1832 of 2016 from the file of the Additional Family Court, Chennai and transfer to the file of the Family Court at Nagerzoil, Kanyakumari District.

For Petitioner : Mr.V.John Vins

For Respondent : No Appearance

O R D E R

This petition is filed to withdraw O.P.No.1832 of 2016 from the file of the Additional Family Court, Chennai and transfer to the file of the Family Court at Nagerzoil, Kanyakumari District.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 29.10.2008 as per Christian rites and customs. Due to difference of opinion, both the petitioner and respondent are living separately. The respondent filed O.P.No.1832 of 2016 for divorce, before the file of the Additional Family Court Chennai.

3. According to the petitioner, she is residing at Kulithalai in Kanyakumari District along with her relatives since she has no parents. The distance between Chennai and Kanyakumari is more than 700 kilometres and hence, it is very difficult for her to travel from Kanyakumari to Chennai to attend the hearing before II Additional Family Court, Chennai. Further, the petitioner has no independent income and is depending on her relatives for her day-to-day expenses

including travelling expenses. Therefore, she prays for transfer of O.P.No.1832 of 2016 from the file of the II Additional Family Court, Chennai to the file of the Family Court, Nagerzoil, Kanyakumari District.

4. Notice has been sent to the respondent and the same was served on him. 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 and with the above cited decisions, the petition in O.P.No.1832 of 2016 is ordered to be withdrawn from the file of the II Additional Family Court, Chennai and transferred to the file of the Family Court, Nagerzoil, Kanyakumari District. The Presiding Officer, II Additional Family Court, Chennai, is directed to transmit all the records pertaining to O.P.No.1832 of 2016 to the file of the Family Court, Nagerzoil, Kanyakumari District, 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/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

- 1.The II Additional Judge, Family Court
Chennai.
2. The Judge,Family Court, Nagerzoil,
Kanyakumari District.

Tr.C.M.P. No.285 of 2017 and
C.M.P.No.5439 of 2017

mp(co)
ss(19/7/2017)