

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.292 of 2017
and C.M.P.No.5592 of 2017

Vijayalakshmi

...

Petitioner

Vs.

Kirubanandan

...

Respondent

Petition filed under Section 24 of Civil Procedure Code, to withdraw the case, in H.M.O.P.No.212 of 2016 on the file of the Sub Court, Kancheepuram and transfer to the Subordinate Court, Cheyyar, Thiruvannamalai District.

For Petitioner : Mr.C.Munusamy

For Respondent : No appearance

O R D E R

This transfer petition is filed to withdraw the case, in H.M.O.P.No.212 of 2016 on the file of the Sub Court, Kancheepuram and transfer to the Subordinate Court, Cheyyar, Thiruvannamalai District.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and the respondent was conducted on 22.11.2009. In the wedlock, a male child was born. Due to difference of opinion, the petitioner and the respondent are living separately. The respondent has filed H.M.O.P.No.212 of 2016 before Sub Court, Kancheepuram for divorce against the petitioner on the ground of cruelty.

3. According to the petitioner, she is residing at Thiruvannamalai, alongwith her minor child. It is very difficult for her to travel along with her minor child, for each and every hearing before Sub Court, Kancheepuram. She is not having any independent income and is depending on her parents for her day-to-day expenses, including the travelling expenses. In these circumstances, she has come out with the present Transfer Civil Miscellaneous Petition.

4. Though notice has been served on the respondent and the respondent had entered appeared through counsel, there is no representation for the respondent either in person or through counsel.

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]. Further, the petitioner has also given valid and sufficient reasons to transfer the case in H.M.O.P.No.212 of 2016 from the file of Sub Court, Kancheepuram to the file of Sub Court, ***Cheyyar, Thiruvannamalai *District.**

6. Taking into consideration the above facts and in view of the above cited judgments, the case in H.M.O.P.No.212 of 2016 pending on the file of Sub Court, Kancheepuram is ordered to be withdrawn and transferred to the file of Sub Court, ***Cheyyar, Thiruvannamalai *District.** The Presiding Officer, Sub Court, Kancheepuram is directed to transmit all the records pertaining to H.M.O.P.No.212 of 2017, to the file of Sub Court, ***Cheyyar Thiruvannamalai *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.

***Corrected as per order
dated 28/08/2017
in Tr.Cmp.No.292/12.**

Sd/-

Assistant Registrar (CS VI)
Dated: 29/8/2017

Sd/-

Asst.Registrar (CS VII)
Dated: 24/7/2017

/true copy/

rgr/gsk

To

1. The Subordinate Judge,
Kancheepuram.

Sub Asst. Registrar

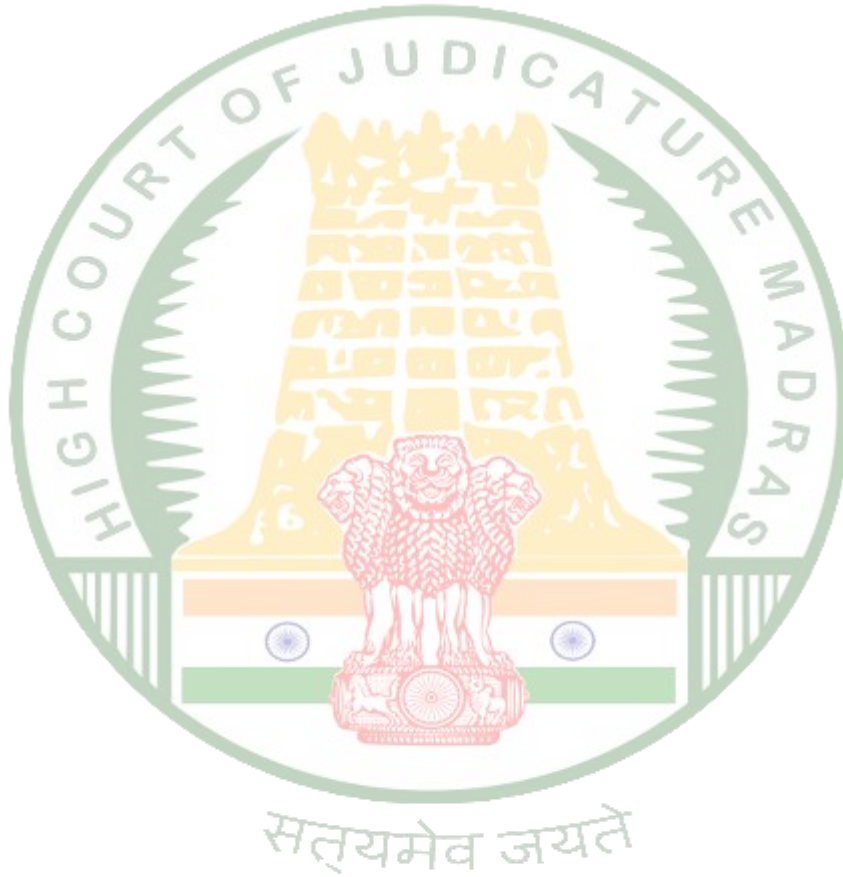
To be Substituted the order
already despatched on 23/8/17.

2. The Subordinate Judge,
Cheyyar,
Thiruvannamalai.

+ 1 cc to M/s.C.Munusamy, Advocate, SR.292
+1cc to M/s.C.Munusamy, Advocate sr.61377 (31/8/2017)

Tr.C.M.P.No.292 of 2017

GJII (CO)
NR 26/07/2017
ss (29/8/2017)



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