

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.293 of 2017
and C.M.P.No.5601 of 2017

M.Vidhya

...

Petitioner

Vs.

R.Manikandan

....

Respondent

Petition filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.75 of 2017 pending on the file of the Family Court, Salem and transfer the same to Family Court, Erode.

For Petitioner : Mr.M.Guruprasad

For Respondent : No appearance

O R D E R

This transfer petition is filed to withdraw the H.M.O.P.No.75 of 2017 pending on the file of the Family Court, Salem and transfer the same to Family Court, Erode.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and the respondent was conducted on 23.05.2013. In the wedlock, a female child was born on 27.08.2014. Due to difference of opinion, the petitioner and the respondent are living separately. The petitioner has filed F.C.O.P.No.2 of 2017 before Family Court, Erode for maintenance of herself and her child. On receiving the notice, the respondent filed F.C.O.P.No.75 of 2017 before Family Court, Salem for divorce against the petitioner, on the ground of cruelty.

3. According to the petitioner, she is residing at Erode, alongwith her minor child. It is very difficult for her to

travel along with her minor child, for each and every hearing before Family Court, Salem. 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 appearance 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 F.C.O.P.No.75 of 2017 from the file of Family Court, Salem to the file of Family Court, Erode where F.C.O.P.No.2 of 2017 filed by the petitioner is pending.

6. Taking into consideration the above facts and for convenience of both parties and to avoid conflicting decisions, both F.C.O.P.No.75 of 2017, pending on the file of the Family Court, Salem and F.C.O.P.No.2 of 2017, pending on the file of the Family Court, Erode are to be tried together in the same Court, for joint trial. The Presiding Officer, Family Court, Salem is directed to transmit all the records pertaining to F.C.O.P.No.75 of 2017 to the file of Family Court, Erode, 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.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rgr/gsk

To

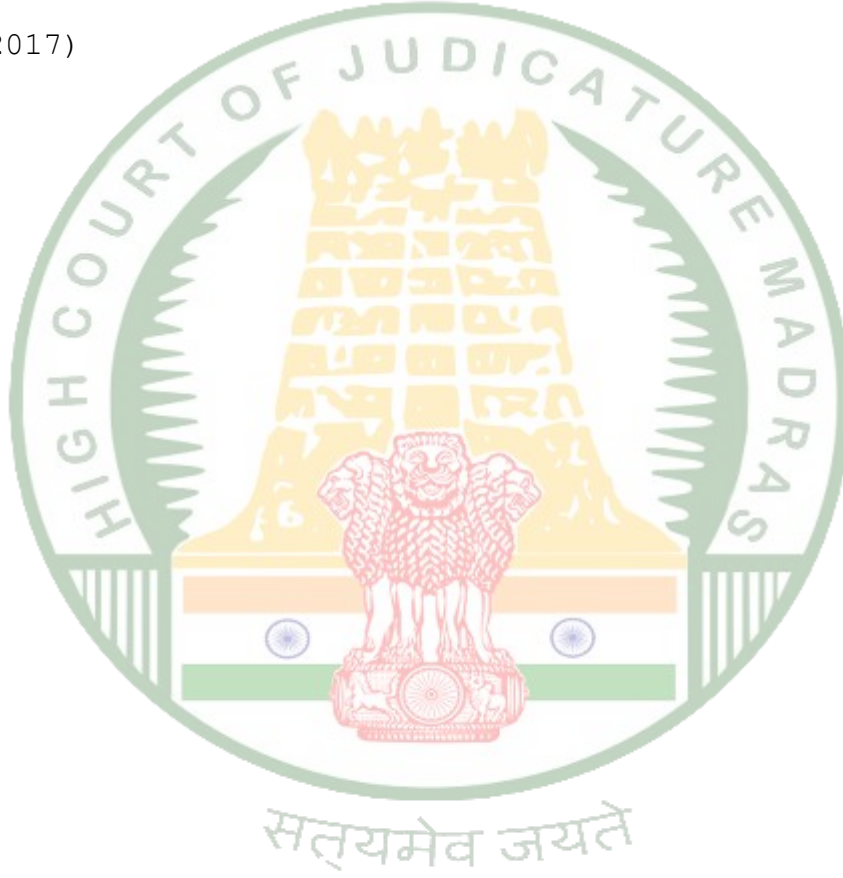
1.The Family Court,
Salem.

2.The Family Court,
Erode.

+lcc to Mr.M.GuruPrasad, Advocate SR.No.43403

Tr.C.M.P.No.293 of 2017

GN(31/07/2017)



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