

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2017

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.No.312 of 2017

K.L.Raja Ganapathi

... Petitioner

Vs.

K.Geetha

... Respondent

Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.2761 of 2016 from the file of Hon'ble Principal Family Court at Chennai and transfer the same to the Hon'ble Family Court at Thiruvallur to be tried along with H.M.O.P.No.32 of 2016 by way of joint trial.

For Petitioner : Mr.V.M.Venkatramana

ORDER

This petition has been filed by the petitioner/husband to withdraw the case in H.M.O.P.No.2761 of 2016 pending on the file of Principal Family Court at Chennai and to transfer the same to the Family Court at Thiruvallur to be tried along with H.M.O.P.No.32 of 2016, by way of joint trial.

2. The petitioner herein is the husband and the respondent is the wife. The marriage between the petitioner and the respondent was solemnized on 15.05.2011 at I.R.N.Thirumana Mandapam, Thiruvallur. After the marriage, both the petitioner and the respondent were living together at Matrimonial home at Thiruvallur. Due to frequent quarrels and misunderstanding between them, the petitioner and the respondent are living separately. The petitioner is residing at Thiruvallur and the respondent is residing at Chennai. Whiles, the petitioner filed H.M.O.P.No. 32 of 2016 before the Family Court, Thiruvallur for dissolution of marriage. The respondent filed H.M.O.P.No.2761 of 2016 on the file of Principal Family Court, Chennai for restitution of conjugal rights.

3. According to the petitioner, he is engaged in the work of stitching seat covers for two wheelers i.e. doing lining works. He is required to provide such lining works in companies whenever he was called in and around the District of Thiruvallur. He will loose his earnings if he travel all the

way from Thiruvallur to Chennai to attend the proceedings. In such circumstances, he has come out with the present Transfer Civil Miscellaneous Petition.

4. Heard the learned counsel appearing for the petitioner.

5. From the records it is seen that the respondent/wife filed H.M.O.P.No.2761 of 2016 before the Principal Family Court, Chennai for restitution of conjugal rights, since she was residing in Choolai, Chennai.

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. Taking into consideration this fact, this Court is of the view that it will not be the burden on the petitioner to come from Thiruvallur to Chennai to attend the proceedings in H.M.O.P.No.2761 of 2016.

8. In view of the same, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

arr

To

1. The Principal Family Court, Chennai

+1cc to Mr.V.M. Venkatramana, Advocate Sr. 20639

Tr.C.M.P. No.312 of 2017

KK(CO)
VR(25/4/2017)