

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.315 of 2017
and C.M.P.No.5906 of 2017

S.Kavitha

... Petitioner

Vs.

S.Ganesh

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.40 of 2017 from the file of the Sub Court, Poonamallee and transfer to the file of the Family Court, Villupuram.

For Petitioner : Mr.S.Mazhaimenipandiyan

For Respondent : Mr.S.Jeevanantham

O R D E R

This petition is filed to withdraw H.M.O.P.No.40 of 2017 from the file of the Sub Court, Poonamallee and transfer to the file of the Family Court, Villupuram.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 26.01.2016 as per Hindu rites and customs. In the wedlock, a male child was born to them on 25.09.2015. Due to difference of opinion between them, both the petitioner and respondent are living separately. The petitioner filed M.C.No.2 of 2016 for maintenance, before the file of the Family Court, Villupuram and D.V.No.21 of 2016 for protection, before the file of the Judicial Magistrate No.I, Villupuram. The respondent filed H.M.O.P.No.40 of 2017 for divorce on the ground of cruelty, before the file of the Sub-Court, Poonamallee.

3. According to the petitioner, she is residing at Villupuram with her parents along with her minor child. The distance between Poonamallee and Villupuram is more than 560

kilo metres and hence, it is very difficult for her to travel from Villupuram to Poonamallee to attend the hearing. Therefore, she prays for transfer of H.M.O.P.No.40 of 2017 from the file of the Sub Court, Poonamallee to the file of the Family Court, Villupuram.

4.Heard the learned counsel for the petitioner and the respondent and respondent filed a counter affidavit and strongly objected for allowing this petition.

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].

6. 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counsel for the petitioner along with the above decision, the petition in H.M.O.P.No.40 of 2017 is ordered to be withdrawn from the file of the Sub-Court, Poonamallee and transferred to the file of the Family Court, Villupuram. The Presiding Officer, Sub-Court, Poonamallee, is directed to transmit all the records pertaining to H.M.O.P.No.40 of 2017 to the file of the Family Court, Villupuram, 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/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

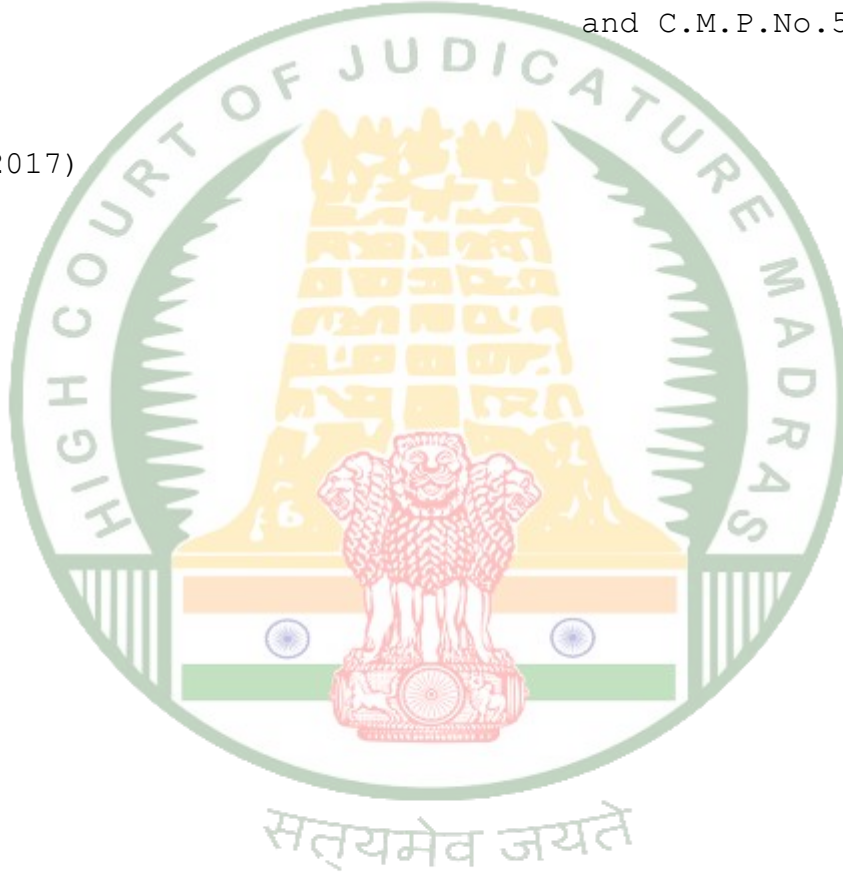
gv

To

1. The Sub Court
Poonamallee.
2. The Judge,
The Family Court,
Villupuram.

Tr.C.M.P. No.315 of 2017
and C.M.P.No.5906 of 2017

RSY(CO)
CU(18/07/2017)



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