

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.325 of 2017
and
C.M.P.No.6197 of 2017

Prema

... Petitioner

Vs.

Jagan Babu

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.85 of 2015 from the file of the Subordinate Court, Arani and transfer to the file of the Subordinate Court, Ranipet, Vellore District.

For Petitioner : Mr.T.L.Thirumalaisamy

For Respondent : Mr.R.Muniyapparaj

O R D E R

This petition is filed to withdraw to withdraw H.M.O.P.No.85 of 2015 from the file of the Subordinate Court, Arani and transfer to the file of the Subordinate Court, Ranipet, Vellore District.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 27.05.2011 as per Hindu rites and customs. Due to difference of opinion, both the petitioner and respondent are living separately. The respondent filed H.M.O.P.No.85 of 2015 for divorce, before the file of the Subordinate Court, Arani.

3. According to the petitioner, she is residing at Vellore along with her parents. The distance between Vellore and Arani is more than 100 kilometres and hence, it is very difficult for her to travel from Vellore to Arani to attend the hearing before Sub-Court, Arani. Further, the petitioner has no independent income and is depending on her parents for her day-to-day expenses including travelling expenses. Therefore, she prays for transfer of H.M.O.P.No.85 of 2015 from the file of the Subordinate Court, Arani to the file of the Subordinate Court, Ranipet, Vellore District.

4. Heard the learned counsel for the petitioner and the respondent.

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counsel for the petitioner and with the above cited decisions, the petition in H.M.O.P.No.85 of 2015 is ordered to be withdrawn from the file of the Subordinate Court, Arani and transferred to the file of the Subordinate Court, Ranipet, Vellore District. The Presiding Officer, Subordinate Court, Arani, is directed to transmit all the records pertaining to H.M.O.P.No.85 of 2015 to the file of the Sub Court, Ranipet, within a period of two weeks from the date of receipt of a copy of this order. The Presiding Officer, Subordinate Court, Ranipet, Vellore District is directed to dispose of H.M.O.P.No.85 of 2015 as expeditiously as possible, in any event, not later than six months 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 (CO)

/true copy/

सत्यमेव जयते Sub Asst. Registrar

gv

To

1. The Subordinate Court,
Arani.

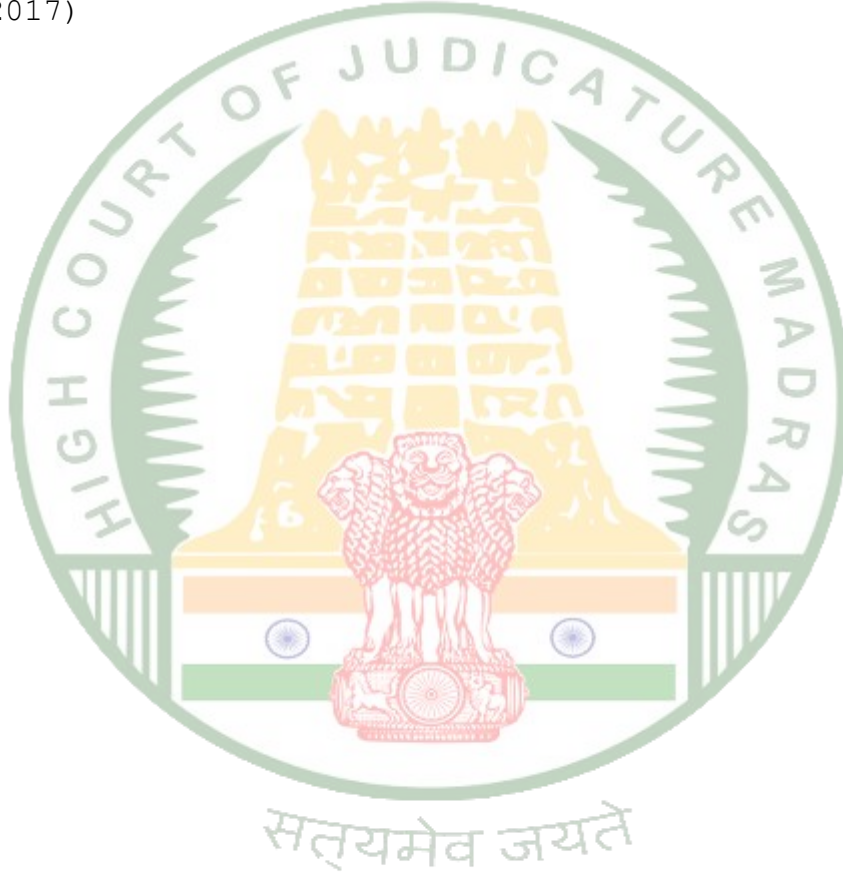
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2. The Subordinate Court,
Ranipet, Vellore District.

+lcc to Mr.T.L.Thirumalaisamy, Advocate Sr. 45989
+lcc to Mr.R.Muniyapparaj, Advocate Sr. 45935

Tr.C.M.P. No.325 of 2017
and
C.M.P.No.6197 of 2017

GMI (CO)
VR(26/07/2017)



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