

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-06-2017

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.No.337 of 2017
and C.M.P.No.6645 of 2017

Sasikala ... Petitioner/Respondent

Vs.

K.Jayakumar ... Respondent/Petitioner

Petition filed under Section 24 of Civil Procedure Code, to withdraw the FCHMOP No.235 of 2016 pending on the file of Family Court, Dharmapuri and transfer to the file of Subordinate Court of Hosur.

For Petitioner : Mr.V.Nicholas

For Respondent : Mr.A.Ilayaperumal

O R D E R

This transfer petition is filed to withdraw the FCHMOP No.235 of 2016 pending on the file of Family Court, Dharmapuri and transfer to the file of Subordinate Court of Hosur.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and the respondent was conducted on 10.07.2013 as per Hindu rites and customs. In the wedlock, two male children were born on 11.10.2014 & 01.08.2016. Due to difference of opinion, the petitioner and the respondent are living separately. The respondent filed M.C.No.10 of 2016 before the Judicial Magistrate Court No.2, Hosur, claiming maintenance for herself and her children. The respondent filed FCHMOP No.235 of 2016 before Family Court, Dharmapuri for divorce against the petitioner.

3. According to the petitioner, she is residing at Hosur alongwith her parents and minor children. The distance between Hosur and Dharmapuri is more than 100 kms. and being a lady, it is very difficult for her to attend each and every hearing before the Family Court, Dharmapuri along with her minor children. She is not having any independent income and is depending on her aged 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. Heard the learned counsel for the petitioner as well as respondent and perused the materials available on record.

5. It is well settled law 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.H.M.O.P.No.235 of 2016 pending on the file of Family Court, Dharmapuri to Sub Court, Hosur.

6. Considering the facts and circumstances of the present case and having satisfied with the reasons given in the affidavit filed in support of the petition, without deciding the issue on merits, the petition in F.C.H.M.O.P.No.235 of 2016 is ordered to be withdrawn from the file of Family Court, Dharmapuri and transferred to the file of Sub Court, Hosur. The Presiding Officer, Family Court, Dharmapuri is directed to transmit all the records pertaining to F.C.H.M.O.P.No.235 of 2016 to the file of Sub Court, Hosur, 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 VI)

//True Copy//

Sub Assistant Registrar

rgr

To

1.The Family Court,
Dharmapuri

2.The Sub Court,
Hosur.

+1cc to Mr.V.Nicholoas, Advocate SR.No.44320
+1cc to Mr.A.Ilayaperumal, Advocate SR.No.44003

Tr.C.M.P.No.337 of 2017

SKV(CO)
GN(11/07/2017)