

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.34 of 2017&
C.M.P. No.981 of 2017

B.Sujatha

... Petitioner/Respondent

Vs.

A.Meyyazhagan

... Respondent/Petitioner

Prayer: Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.89 of 2016 from the file of the Principal Subordinate Court, Tiruvannamalai, and to transfer the same to the file of the Principal Subordinate Court, Cuddalore.

For Petitioner : Mr.R.Krishnan
For Respondent : Mr.S.Silambu Selvan

ORDER

This petition has been filed by the petitioner seeking to transfer the H.M.O.P.No.89 of 2016 from the file of the Principal Subordinate Court, Tiruvannamalai, and to transfer the same to the file of the Principal Subordinate Court, Cuddalore.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 22.05.2014 as per Hindu rites and customs. In the wedlock, a female child was born on 13.01.2016. The respondent demanded dowry from the petitioner and thrown her out from the matrimonial home and she is residing with her parents at Cuddalore along with her minor child. The respondent filed H.M.O.P.No.89 of 2016 before the Principal Subordinate Court, Tiruvannamalai, for restitution of conjugal rights.

3. According to the petitioner, she is not having any independent income and she is depending upon her parents for her day-to-day expenses and she is not in a position to go to Tiruvannamalai for every hearing. In the said circumstances, the petitioner has filed this petition seeking to transfer the H.M.O.P.No.89 of 2016 from the file of the Principal Subordinate Court, Tiruvannamalai, and to transfer the same to the file of the Principal Subordinate Court, Cuddalore.

4. Heard the learned counsel for the petitioner and the learned counsel for 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 that the petitioner along with her female child are living with her parents house at Cuddalore, the petition in H.M.O.P.No.89 of 2016 is ordered to be withdrawn from the file of the Principal Subordinate Court, Tiruvannamalai, and transferred to the file of the Principal Subordinate Court, Cuddalore. The Presiding Officer, Principal Subordinate Court, Tiruvannamalai, is directed to transmit all the records pertaining to H.M.O.P.No.89 of 2016 to the file of Principal Subordinate Court, Cuddalore, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the records, the Presiding Officer, Principal Subordinate Court, Cuddalore, is directed to dispose the HMOP as expeditiously as possible, in any event, not later than six months 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

Jrl

To

1. The Principal Subordinate Court,
Tiruvannamalai.
2. The Principal Subordinate Court,
Cuddalore.

+lcc to Mr.R.Krishnan, Advocate SR.No.44095

+lcc to Mr.S.Silambu Selvan, Advocate SR.No.44096

Tr.C.M.P. No.34 of 2017

RV(CO)
GN(07/07/2017)