

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2017

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.345 of 2017
and CMP No.6837 of 2016

S.Gandhimathi

... Petitioner/Respondent

Vs.

M.Senthilkumar

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.1429 of 2016, on the file of the Principal Family Court, Coimbatore and to transfer the same to the Family Court at Thirunelveli.

For Petitioner : Mr.J.Stalin

For Respondent : No Appearance

O R D E R

This petition is filed to withdraw H.M.O.P.No.1429 of 2016, on the file of the Principal Family Court, Coimbatore and to transfer the same to the Family Court at Thirunelveli.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and the respondent was conducted on 08.09.2013 as per Hindu rites and customs. In the wedlock, a female child was born. Due to difference of opinion, the petitioner and the respondent are living separately. The respondent filed H.M.O.P.No.1429 of 2016 on the file of Principal Family Court, Coimbatore for divorce.

3. According to the petitioner, she is residing at Tirunelveli alongwith her aged parents and minor child. The distance between Tirunelveli and Coimbatore is more than 350 kms. and being a lady, it is very difficult for her to attend each and every hearing before the Principal Family Court, Coimbatore along with her minor child. 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. Though notice has been served on the respondent and his name has been printed in the cause list on 22.06.2016, there is no representation for the respondent either in person or through counsel. Today also, there is no representation for the respondent.

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 H.M.O.P.No.1429 of 2016 filed by the respondent, from the file of Principal Family Court, Coimbatore, to the file of Family Court, Tirunelveli.

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 H.M.O.P.No.1429 of 2016 is ordered to be withdrawn from the file of Principal Family Court, Coimbatore and transferred to the file of Family Court, Tirunelveli. The Presiding Officer, Principal Family Court, Coimbatore is directed to transmit all the records pertaining to H.M.O.P.No.1429 of 2016 to the file of Family Court, Tirunelveli 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/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

rgr

To

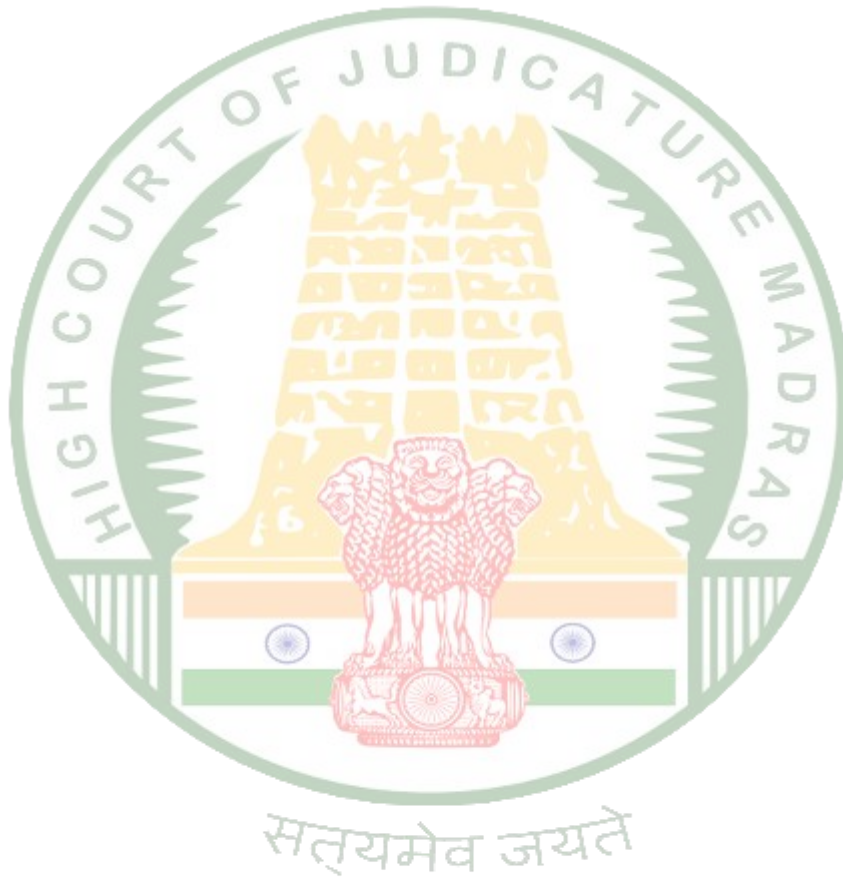
1.The Prinicipal Family Court,
Coimbatore.

2.The Judge,
The Family Court,
Tirunelveli.

+1cc to M/s.J.Stalin, Advocate in sr.no.45441

Tr.C.M.P. No.345 of 2017

RSI (CO)
NR 19/07/2017



WEB COPY