

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2017

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.349 of 2017
and C.M.P.No.6877 of 2017

K.Gowri

... Petitioner

Vs.

A.Suresh Kumar

... Respondent

Prayer: Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.243 of 2016 from the file of the Subordinate Court, Kanchipuram and transfer the same to the Subordinate Court (Camp Court) at Mettupalayam.

For Petitioner : Mr.S.Vadivel Murugan
For Respondent : No Appearance

O R D E R

This petition is filed to withdraw H.M.O.P.No.243 of 2016 from the file of the Subordinate Court, Kanchipuram and transfer the same to file of the Subordinate Court (Camp Court), Mettupalayam.

2. The petitioner is the wife and respondent is the husband. Both the petitioner and respondent got married on 12.06.2011 as per Hindu rites and customs. In the wedlock, a female child was born on 05.03.2012. The daughter of the petitioner was admitted in Pre-K.G, St.Mary's School, Sriperumpudur. The respondent got a job in Pune and insisted the petitioner to admit their child in a school at Mettupalayam, and promised to visit them at Mettupalayam regularly. Thereafter, the respondent started neglecting the petitioner and the minor child. While so, the petitioner received a notice in H.M.O.P.No.243 of 2016 filed before the Subordinate Court, Kanchipuram, filed by the respondent seeking divorce from the petitioner. Thereafter, the petitioner filed H.M.O.P.No.64 of 2017 before the Subordinate Court (Camp Court), Mettupalayam for restitution of conjugal rights.

3. The petitioner submits that when she was pregnant, she fell down from a two wheeler driven by her husband and sustained

injuries, in connection with which, she is undergoing regular treatment. Now, the female child is five years old and it is contented that except her there is nobody to accompany her minor child. The distance between Kanchipuram and Mettupalayam is more than 450 kilometres and hence, she finds it very difficult to attend the Court at Kanchipuram along with her minor child. Therefore, she prays for transfer of H.M.O.P.No.243 of 2016 from the file of the Subordinate Court, Kanchipuram to the file of the Subordinate Court (Camp Court), Mettupalayam.

4. Though notice has been served to the respondent through Court and his name being printed in the cause list, there is no representation on behalf of the respondent either in person or through counsel.

5. Heard the learned counsel for the petitioner.

6. 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].

7. Having regard to the submissions made by the learned counsel for the petitioner that the respondent is not residing at Kanchipuram and the petitioner along with minor child are staying at Mettupalayam, the petition in H.M.O.P.No.243 of 2016 is ordered to be withdrawn from the file of the Subordinate Court, Kanchipuram and to transfer the same to the file of the Subordinate Court (Camp Court), Mettupalayam. The Presiding Officer, Sub-Court, Kanchipuram, is directed to transmit all the records pertaining to H.M.O.P.No.243 of 2016 on its file to the file of the Principal Sub-Court, Mettupalayam, within a period of two weeks from the date of receipt of a copy of this order.

8. Accordingly, this Transfer Civil Miscellaneous petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dm/ds

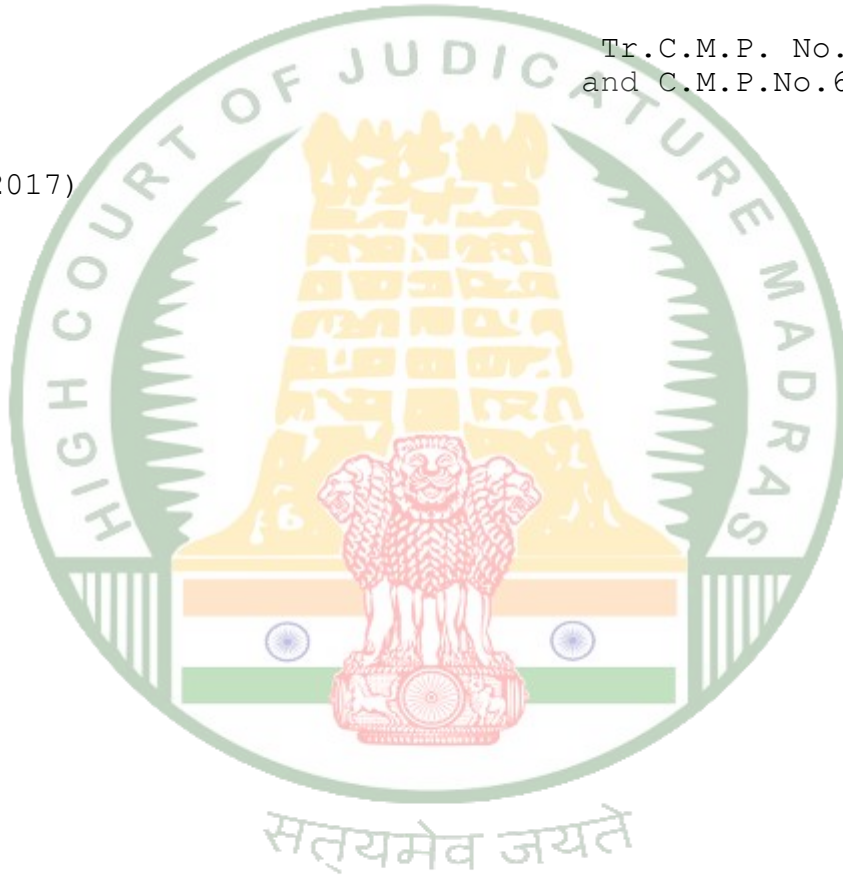
To

1. The Subordinate Court,
Kanchipuram.
2. The Subordinate Court (Camp Court),
Mettupalayam.

+lcc to M/S.Vadivel Murugan, Advocate Sr. 41702

Tr.C.M.P. No.349 of 2017
and C.M.P.No.6877 of 2017

PPA (CO)
VR (28/06/2017)



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