

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.353 of 2017
and C.M.P.No.6977 of 2017

Chithra

... Petitioner

Vs.

Saravanan

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw and transfer the case in F.C.O.P.No.86 of 2017 pending on the file of the Family Court, Vellore to the file of the Family Court, Chennai.

For Petitioner : Mr.S.Mohanasundararajan

O R D E R

This petition is filed to withdraw F.C.O.P.No.86 of 2017 pending on the file of the Family Court, Vellore and transfer the same to the Family Court, Chennai.

- 2.The petitioner is the wife and respondent is the husband. The case of the petitioner is that the marriage between the petitioner and respondent was solemnized on 18.02.2015 as per Hindu rites and customs. In the wed lock, two children were born and now they are 9 years and 8 years old respectively. The respondent is stated to be a driver and earning a sum of Rs.500/- per day and own a house worth to Rs.50,00,000/- in Vellore. In due course of time, the respondent become addicted to alcohol and started harassing the petitioner, and even failed to maintain his family. The petitioner thereafter left her matrimonial house and started to live with her aged old parents at Chennai along with her children in a rental house. The petitioner, is now stated to be working in a Xerox shop and earning only a paltry sum of Rs.4,000/-. It is submitted that the petitioner finds it difficult to maintain her family with the said meagre income. While so, the petitioner received summons in FCOP.No.86 of 2017 filed by her husband/respondent before the Family Court, Vellore directing the petitioner to appear for hearing on 04.5.2017.

3. According to the petitioner, she is in financial crisis and finds it very difficult to meet out the daily expenses, rentals and her children's educational expenses with her hardly earned income. The petitioner also submits that her husband had threatened her over phone that she will be put to danger, if she attends the Court proceedings. It also appears that the distance between Vellore and Madras is more than 130 kilometres. Since the petitioner was already in financial crisis, she is not in a position to meet the travel expenses incurred during her travel to Vellore to attend the HMOP proceedings. In view of the reasons stated above, the petitioner prays for transfer of F.C.O.P.No.86 of 2017 from the file of the Family Court, Vellore to the file of the Family Court, Chennai and filed the present transfer petition.

4. Though notice was served to the respondent and his name being printed in the cause list, there is no representation for 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, the petition in F.C.O.P.No.86 of 2017 is ordered to be withdrawn from the file of the Family Court, Vellore and transferred to the file of the Family Court, Chennai. The Presiding Officer, Family Court, Vellore is directed to transmit all the records pertaining to F.C.O.P.No.86 of 2017 to the file of the Family Court, Chennai, 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.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dm/ds

To

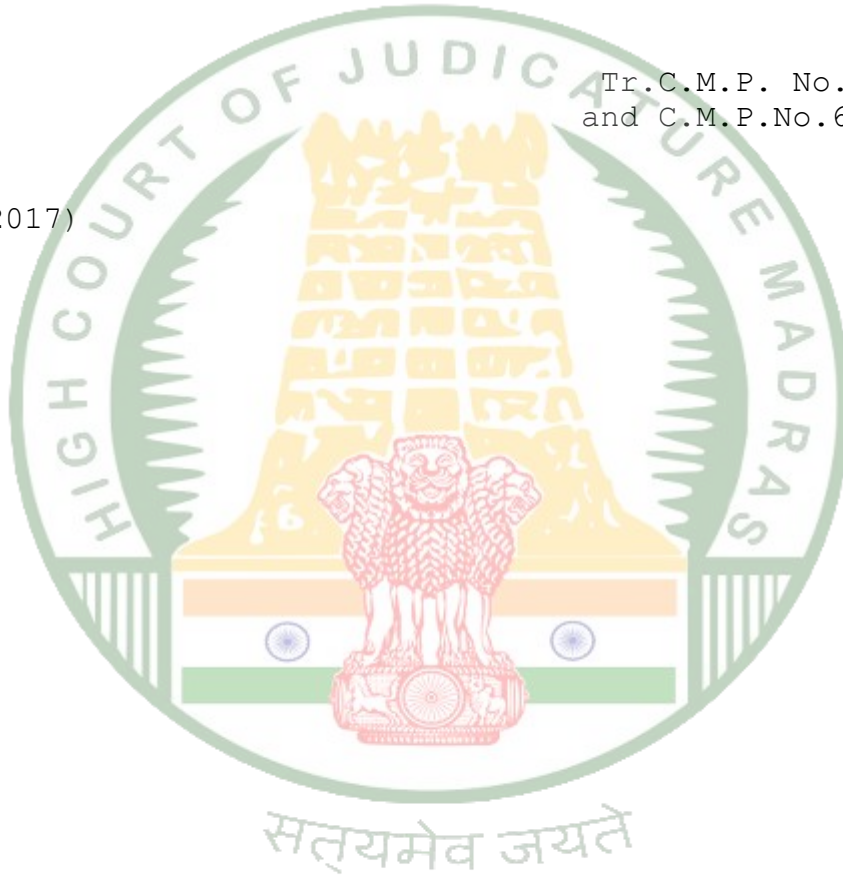
1.The Family Court,
Vellore.

2.The Family Court
Chennai.

+lcc to M/S.Mohanasundararajan, Advocate Sr.41671

Tr.C.M.P. No.353 of 2017
and C.M.P.No.6977 of 2017

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



WEB COPY