

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 357 of 2017
and CMP No.7064 of 2017

Suganya

... Petitioner

Vs.

Kalaiselvan

... Respondent

Prayer:- Petition has been filed under Section 124 of C.P.C., to withdraw the petition in H.M.O.P. No.32 of 2017, on the file Addl. Subordinate Judge, Karur and transfer the same to the file of the Sub-Court, Pollachi, Coimbatore District.

For Petitioner : Mr.C.Veeraraghavan

For Respondent : No appearance

O R D E R

This petition is filed to withdraw the petition in H.M.O.P. No.32 of 2017, on the file Addl. Subordinate Judge, Karur and transfer the same to the file of the Sub-Court, Pollachi, Coimbatore District.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and the respondent was conducted on 17.09.2015 as per Hindu rites and customs. In the wedlock, a male child was born on 02.10.2016. Due to difference of opinion, the petitioner and the respondent are living separately. The respondent filed H.M.O.P.No.32 of 2017 on the file of Additional Sub Court, Karur for divorce.

3. According to the petitioner, she is residing at Valparai alongwith her parents and six months old child. The distance between Valparai and Karur is more than 200 kms. and being a lady, it is very difficult for her to attend each and every hearing before the Additional Sub Court, Karur, 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.32 of 2017 filed by the respondent, from the file of Additional Sub Court, Karur to the file of Sub Court, Pollachi.

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.32 of 2017 is ordered to be withdrawn from the file of Additional Sub Court, Karur and transferred to the file of Sub Court, Pollachi. The Presiding Officer, Additional Sub Court, Karur is directed to transmit all the records pertaining to H.M.O.P.No.32 of 2017 to the file of Sub Court, Pollachi 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/

सतयमेव जयते
Sub Asst. Registrar

rgr
To

1.The Additional Subordinate Judge,
Karur.

2.The Subordinate Judge,
Pollachil.

+1cc to Mr.C.Veeraraghavan, Advocate in sr.no.45214

Tr.C.M.P. No 357 of 2017

NR 21/07/2017