

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2017

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.No.358 of 2017
and
C.M.P.No.7067 of 2017

S.Pavithra ... Petitioner/Respondent

Vs.

S.Vimalraj Respondent/Petitioner

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw O.P.No.3527 of 2016 on the file of the II Additional Family Court, Chennai and transfer to the file of Subordinate court, Ponneri, to be tried along with H.M.O.P.No.188 of 2016.

For Petitioner : Mr.R.Suresh Kumar

For Respondent : Mr.K.Ramamurthy

O R D E R

This petition is filed to withdraw O.P.No.3527 of 2016 from the file of the II Additional Family Court, Chennai and transfer to the file of the Subordinate court, Ponneri and to be tried along with H.M.O.P.No.188 of 2016.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 11.03.2012, as per Hindu rites and customs. Due to difference of opinion, both the petitioner and respondent are living separately. The respondent filed O.P.No.3527 of 2016 on the file of the II Additional Family Court, Chennai. The petitioner has also filed H.M.O.P.No.188 of 2016 for divorce, before the file of the Subordinate Judge, Ponneri .

3. According to the petitioner, she is residing at Ponneri along with her parents. It is very difficult for her to travel from Chennai to Ponneri to attend every hearing before II Additional Family Court, Chennai. Further, the petitioner has no independent income and is depending on her parents for her day-to-day expenses including travelling expenses. Therefore, she prays for transfer of O.P.No.3527 of

2016 from the file of the II Additional Family Court, Chennai to the file of the Subordinate court, Ponneri and to try along with H.M.O.P.No.188 of 2016 pending on its file.

4. Heard the learned counsel for the petitioner and 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counsel for the petitioner and with the above cited decisions, the petition in O.P.No.3527 of 2016 is ordered to be withdrawn from the file of the II Additional Family Court, Chennai and transferred to the file of the Subordinate court, Ponneri to be tried along with H.M.O.P.No.188 of 2016. The Presiding Officer, II Additional Family Court, Chennai, is directed to transmit all the records pertaining to O.P.No.3527 of 2016 to the file of the Subordinate Court, Pollachi, within a period of two weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

gsa/gv

To

1. The II Additional Family Judge,
Chennai.

2. The Subordinate Judge,
Ponneri.

+1cc to Mr.R.Suresh Kumar, Advocate, S.R.No.44724

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