

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.37 of 2017
and C.M.P.No.913 of 2017

Umaiya @ Alamu

... Petitioner

Vs.

M.N.Manickam

... Respondent

PRAYER:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.64 of 2016 from the file of the Family Court, Madurai and transfer to the file of the Family Court, Chennai.

For Petitioner : Mr.N.Naveen Kumar

For Respondent : No appearance

O R D E R

This petition is filed to withdraw H.M.O.P.No.64 of 2016 from the file of the Family Court, Madurai and transfer to the file of the Family Court, Chennai.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 06.12.2013 as per Hindu rites and customs. In the wedlock, a male child was born. Due to difference of opinion, both the petitioner and respondent are living separately. The respondent filed H.M.O.P.No.64 of 2016 for restitution of conjugal rights, on the file of the Family Court, Madurai.

3. According to the petitioner, she is residing at Chennai with her parents along with her minor child. The distance between Chennai and Madurai is more than 450 kilometers and hence, it is very difficult for her to travel from Chennai to Madurai to attend the hearing before the Family Court, Madurai. 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 H.M.O.P.No.64 of 2016 from the file of the Family Court, Madurai to the file of the Family Court, Chennai.

4. Though the name of the respondent has been printed in the cause list, there is no representation on behalf of him 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counsel for the petitioner along with the above decision, the petition in H.M.O.P.No.64 of 2016 is ordered to be withdrawn from the file of the Family Court, Madurai and transferred to the file of the Family Court, Chennai. The Presiding Officer, Family Court, Madurai, is directed to transmit all the records pertaining to H.M.O.P.No.64 of 2016 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.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gv/gsa

To

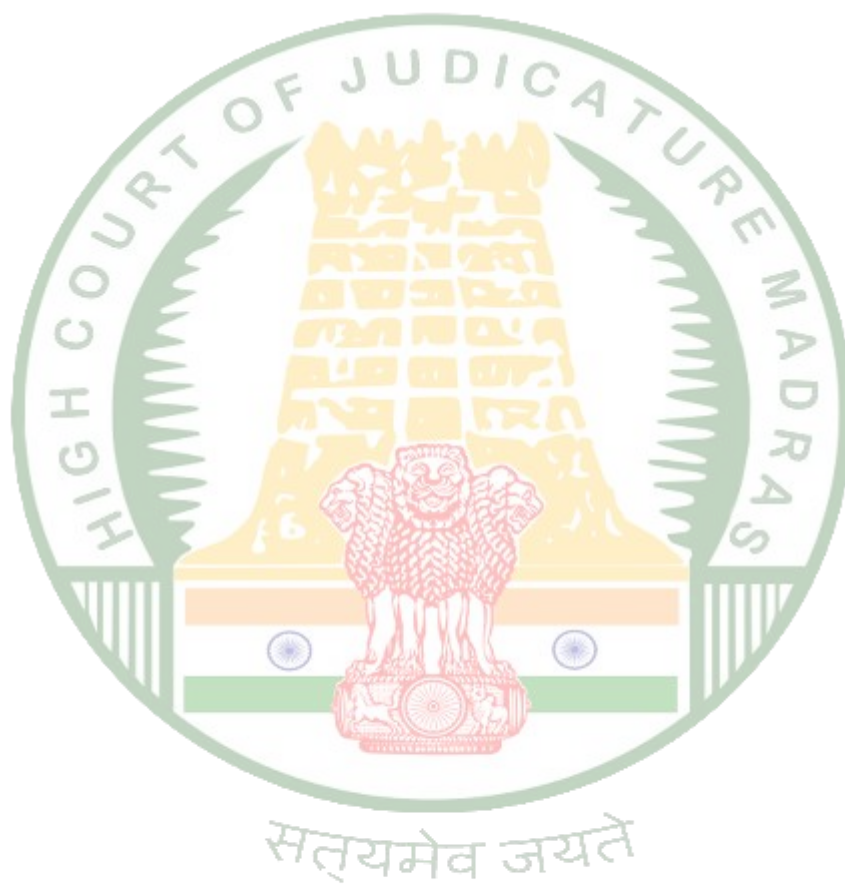
1. The Judge,
The Family Court
Madurai.

2. The Judge,
The Family Court
Chennai.

+1cc to M/s.M.Kalyani, Advocate, S.R.No.44663

Tr.C.M.P. No.37 of 2017
and C.M.P.No.913 of 2017

CS/18/07/17



27.06.2017

WEB COPY