

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2017

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
Tr.C.M.P. No.373 of 2017
and
C.M.P.No.7315 of 2017

Ilakiya

... Petitioner

Vs.

Ganesan

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.220 of 2016 from the file of the principal Sub Court, Tanjore and transfer to the file of the Pr Sub Court, Tiruvaur.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.J.Kamaraj

O R D E R

This petition is filed to withdraw H.M.O.P.No.220 of 2016 from the file of the Sub Court, Tanjore and transfer to the file of the Sub Court, Tiruvarur.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 25.05.2014 as per Hindu rites and customs. Due to difference of opinion, both the petitioner and respondent are living separately. The respondent filed H.M.O.P.No.220 of 2016 for divorce, before the file of the Sub Court, Tanjore.

3. According to the petitioner, she is residing at Tiruvarur along with her parents who are coolies. The distance between Tiruvarur and Tanjore is more than 120 kilometres and hence, it is very difficult for her to travel from Tiruvarur to Tanjore to attend the hearing before Sub-Court, Tanjore. 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.220 of 2016 from the file of the Sub Court, Tanjore to the file of the Sub Court, Tiruvarur.

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counsel for the petitioner and with the above cited decisions, the petition in H.M.O.P.No.220 of 2016 is ordered to be withdrawn from the file of the Sub Court, Tanjore and transferred to the file of the Sub Court, Tiruvarur. The Presiding Officer, Sub Court, Tanjore, is directed to transmit all the records pertaining to H.M.O.P.No.220 of 2016 to the file of the Sub Court, Tiruvarur, 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 II)

//True Copy//

Sub Assistant Registrar

gv

To

1.The Sub Court,
Tanjore.

2.The Sub Court,
Tiruvaur.

+1cc to M/s.T.Muruganantham, Advocate, S.R.No.42631

Tr.C.M.P. No.373 of 2017
and
C.M.P.No.7315 of 2017

SS(CO)
CU(10/07/2017)