

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2017

CORAM

THE HON'BLE Ms. JUSTICE V.M.VELUMANI

Tr. C.M.P No.383 of 2017
& C.M.P.No.7504 of 2017

Dr.S.Tamilkudi Magal @ Revathi ... Petitioner

K.Yuvaraj ... Respondent

Prayer : Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.102 of 2017 on the file of the Hon'ble Subordinate Judge at Tambaram and Transfer to the file of Hon'ble Subordinate Court at Thiruvannamalai.

For Petitioner : Mr.S.Udayakumar
For Respondent : No appearance

O R D E R

This petition is filed to withdraw the H.M.O.P.No.102 of 2017 on the file of the Hon'ble Subordinate Judge at Tambaram and Transfer to the file of Hon'ble Subordinate Court at Thiruvannamalai.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and the respondent was conducted on 22.08.2014 as per Hindu rites and customs. Due to difference of opinion, the petitioner and the respondent are living separately. The respondent filed H.M.O.P.No.102 of 2017 on the file of Sub Court, Tambaram for divorce.

3. According to the petitioner, she is residing at Tiruvannamalai alongwith her aged parents and running a homeo clinic at Tiruvannamalai. The distance between Tiruvannamalai and Coimbatore is more than 300 kms. and being a lady, it is very difficult for her to attend each and every hearing before the Sub Court, Tambaram. She is getting only a meagre income which is not sufficient to take care of herself and is depending on her aged parents for 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 the name of the respondent 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.102 of 2017 filed by the respondent, from the file of Sub Court, Tambaram, to the file of Sub Court, Tiruvannamalai.

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.102 of 2017 is ordered to be withdrawn from the file of Sub Court, Tambaram and transferred to the file of Sub Court, Tiruvannamalai. The Presiding Officer, Sub Court, Tambaram is directed to transmit all the records pertaining to H.M.O.P.No.102 of 2017 to the file of Sub Court, Tiruvannamalai, 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.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

rgr
To

1.The Subordinate Judge,
Tambaram.

2. The Subordinate Judge,
Tiruvannamalai.

+1 CC to Mr.S. Udhaya Kumar, Advocate sr 45459

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RJ(CO)
sp(11/07/2017)