

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2017

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P. No.385 of 2017
and
C.M.P.No.7559 of 2017

R.Shanthi

... Petitioner

Vs.

S.Mahendran

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.55 of 2015 from the file of the Principal Sub-Ordinate Court, Tirupur and transfer to the file of the Family Court, Coimbatore.

For Petitioner : Mr.Sudhakar
For Respondent : Mr.N.Stalin

O R D E R

This petition is filed to withdraw H.M.O.P.No.55 of 2015 from the file of the Principal Sub-Ordinate Court, Tirupur and transfer to the file of the Family Court, Coimbatore.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 02.11.2008 as per Hindu rites and customs. In the wedlock, a male child was born to them on 30.08.2009. Due to difference of opinion, both the petitioner and respondent are living separately. The respondent filed H.M.O.P.No.55 of 2015 for restitution of conjugal rights, before the file of the Principal Sub-Ordinate Court, Tirupur.

3. According to the petitioner, she is residing at Coimbatore along with her parents. The distance between Tirupur and Coimbatore is more than 100 kilometres and hence, it is very difficult for her to travel from Coimbatore to Tirupur to attend the hearing before Principal Sub-Ordinate Court, Tirupur. 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.55 of 2015 from the file of the Principal Sub-

Ordinate Court, Tirupur to the file of the Family Court, Coimbatore.

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counsel for the petitioner and with the above cited decisions, the petition in H.M.O.P.No.55 of 2015 is ordered to be withdrawn from the file of the Principal Sub-Ordinate Court, Tirupur and transferred to the file of the Family Court, Coimbatore. The Presiding Officer, Principal Sub-Ordinate Court, Tirupur, is directed to transmit all the records pertaining to H.M.O.P.No.55 of 2015 to the file of the Family Court, Coimbatore, 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 IV)

//True Copy//

Sub Assistant Registrar

at/gv

To

1.The Principal Sub-Ordinate Court,
Tirupur

2. The Family Court,
Coimbatore

+1cc to Mr.K.Sudhakar, Advocate SR.No.45581

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GN(14/07/2017)