

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-06-2017

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.No.386 of 2017
and
C.M.P.No.7601 of 2017

P.V.Dayanamary Malar

... Petitioner

Vs.

D.M.Lovegiskinner

.... Respondent

Petition filed under Section 24 of the Civil Procedure Code, to withdraw the case in I.D.O.P.No.1150 of 2017, from the file of the III Additional Family Court, Chennai and transfer the same to the District Court, Nagercoil, Kanyakumari District.

For Petitioner : Mr.N.Rajan

O R D E R

The petitioner is the wife and respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 27.12.2012 as per Christian rites and customs. A female child was born in the wedlock, on 06.10.2013. Due to difference of opinion, the respondent filed I.D.O.P.No.1550 of 2017 for divorce against the petitioner and the same is pending before III Additional Family Court, Chennai.

2. According to the petitioner, she is residing in Thiruthuvapuram Village at Kuzhithurai in Kanyakumari District. The distance between Kanyakumari and Chennai is more than 700 kilometers and being a lady, it is very difficult for her to attend each and every hearing before Family Court, Chennai along with her minor child. She is not having any independent income and is depending on her parents for her day-to-day expenses, including the travelling expenses. In these circumstances, she has come out with the present Transfer Civil Miscellaneous Petition to transfer I.D.O.P.No.1150 of 2017 filed by the respondent, from the file of Family Court, Chennai, to the file of District Court, Nagercoil, Kanyakumari District.

3. Though notice has been served on the respondent and the

respondent entered appeared through counsel, there is no representation for the respondent.

4. 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 I.D.O.P.No.1150 of 2017 filed by the respondent, from the file of III Additional Family Court, Chennai, to the file of District Court, Nagercoil, Kanyakumari District.

5. 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 I.D.O.P.No.1150 of 2017 is ordered to be withdrawn from the file of III Additional Family Court, Chennai and transferred to the file of the District Court, Nagercoil. The Presiding Officer, III Additional Family Court, Chennai is directed to transmit all the records pertaining to I.D.O.P.No.1150 of 2017 to the file of the District Court, Nagercoil, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the records, the Presiding Officer, District Court, Nagercoil, is directed to dispose of the case, as expeditiously as possible, in any event, not later than 30th September 2017.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rgr

To

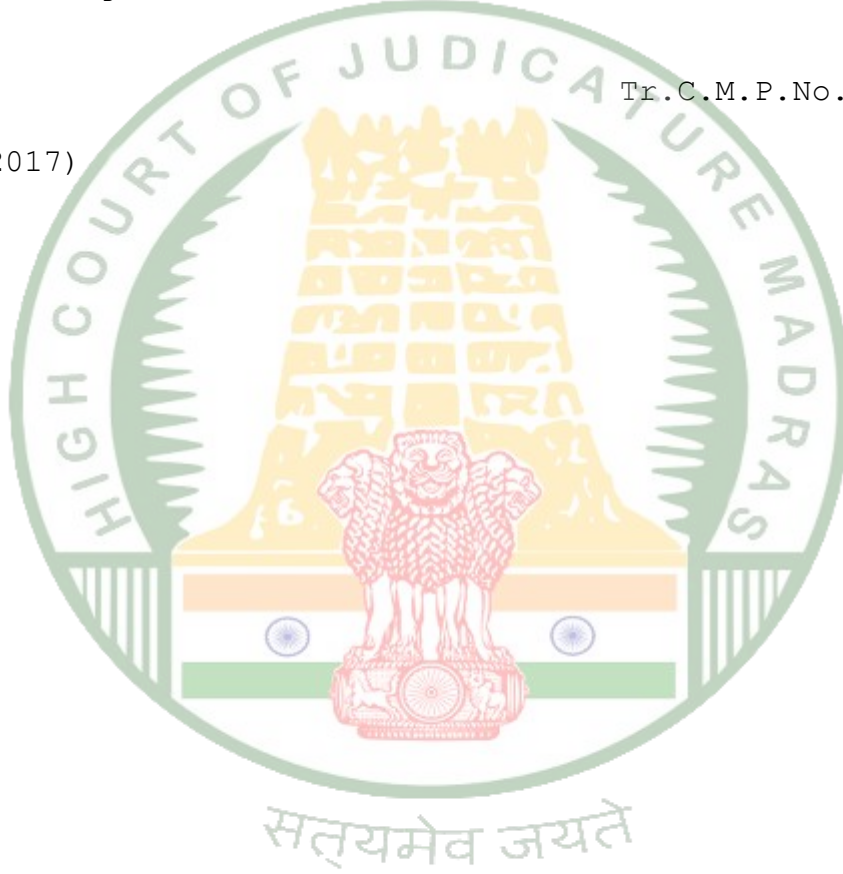
1.The III Additional Family Court,
Chennai.

2.The District Judge,
Nagercoil,
Kanyakumari District.

+1cc to Mr.N.Rajan, Advocate, S.R.No.41096

PA(CO)
RS(20/06/2017)

Tr.C.M.P.No.386 of 2017



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