

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.66 of 2017
and
C.M.P.No.1413 of 2017

Lalitha Kaliannan

... Petitioner

Vs.

Jagadesh @ V.Jayaraman

.... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.158 of 2015 on the file of the Sub Court, Tiruchengode and transfer to the file of Family Court, Chennai for disposal in accordance with law.

For Petitioner : Mr.J.Saravana Vel

For Respondent : No appearance

O R D E R

This petition is filed to withdraw H.M.O.P.No.158 of 2015 from the file of the Sub Court, Tiruchengode 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 conducted on 02.06.2014, 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.158 of 2015 for divorce, before the file of the Sub Court, Tiruchengode.

3. According to the petitioner, she is residing at Chennai along with her parents. The distance between Chennai and Thiruchengode is more than 400 kilometres and hence, it is very difficult for her to travel from Chennai to Thiruchengode to attend the hearing before the Sub Court, Tiruchengode. 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.158 of 2015 from the file of the Sub Court, Tiruchengode to the file of the Family Court, Chennai.

4. Notice has been sent to the respondent and the same was served on him. 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counsel for the petitioner and with the above cited decisions, the petition in H.M.O.P.No.158 of 2015 is ordered to be withdrawn from the file of the Sub Court, Tiruchengode and transferred to the file of the Family Court, Chennai. The Presiding Officer, Sub Court, Tiruchengode, is directed to transmit all the records pertaining to H.M.O.P.No.158 of 2015 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/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

gsa/gv
To

1. The Subordinate Judge,
Thiruchengode
2. The Judge,
Family Court, Chennai.

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and
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SSI (CO)
VR(12/07/2017)