

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.04.2017

Coram :

The Honourable Ms.Justice V.M.VELUMANI

Tr.C.M.P.No.74 of 2017 &

C.M.P.No.1593 of 2017

A.Gowthami ...Petitioner/Respondent
Vs

Akhilesh ...Respondent/Petitioner

TRANSFER PETITION filed under Section 24 of Civil Procedure Code pleaded to withdraw the O.P.No.309 of 2017, on the file of III Additional Family Court, Chennai and transfer the same to Family Court at Coimbatore.

For Petitioner : Mr.M.Sriram
For Respondent : Mr.R.Balachandran

ORDER

This transfer petition has been filed by the petitioner to withdraw the O.P.No.309 of 2017, on the file of III Additional Family Court, Chennai and transfer the same to the file of the Family Court at Coimbatore.

2. The petitioner herein is the wife and the respondent is the husband. The petitioner and respondent got married on 03.04.2015 at Jayaram Thirumana Nilayam at No.102, Sithankudi Salai, Puduchery - 13, as per Hindu rites and customs and the same was registered on 15.04.2015 before the Registrar of Marriage, Joint Registrar, Sub-Registrar Office at Trichy, bearing registration No.30 of 2015 registered under the Hindu Marriage Act. At the time of marriage, the respondent-husband was working in Chennai.

3. According to the petitioner, her mother-in-law residing at Trichy and the petitioner's father arranged a house on rent and provided them with all necessary utensils, furniture to the petitioner and both the petitioner and respondent were living together at A2, Dev Apartments, Thiruveethiamman Koil Street, Seethapathy Nagar, Velachery, Chennai - 600 042. Due to the difference of opinion arose between the petitioner and

respondent, the petitioner left the matrimonial home. At present, the petitioner is residing with her parents at Coimbatore. The respondent-husband filed HMOP.No.39 of 2017 on the file of the III Additional Family Court, Chennai, for divorce on the ground of cruelty with false allegations.

4. According to the petitioner, since she is residing at Coimbatore and that the distance between Coimbatore and Chennai, is more than 500 kilometers, it is very difficult for her to attend each and every hearing before the III Additional Family Court, Chennai. She is not having any independent income and is depending on her parents for her day-to-day expenses, including the travelling expenses. In the circumstances, she has come out with the present Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.39 of 2017, filed by the respondent, from the file of III Additional Family Court, Chennai, to the file of Family Court at Coimbatore.

5. Heard the learned counsel appearing for the petitioner as well as the learned counsel for the respondent.

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]. Further, the petitioner has also given valid and sufficient reasons to transfer the case in H.M.O.P.No.39 of 2017 on the file of the III Additional Principal Family Court, Chennai, to the file of Family Court at Coimbatore.

7. Accordingly, this Transfer Civil Miscellaneous Petition is disposed of and H.M.O.P.No.39 of 2017 pending on the file of the III Additional Family Court, Chennai, is hereby withdrawn and transferred to the file of Family Court, Coimbatore. The III Additional Principal Family Court, Chennai, is directed to send the case bundles to the Family Court, Coimbatore, forthwith. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected CMP is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kal

To

1. The III Additional Family Court,
Chennai.

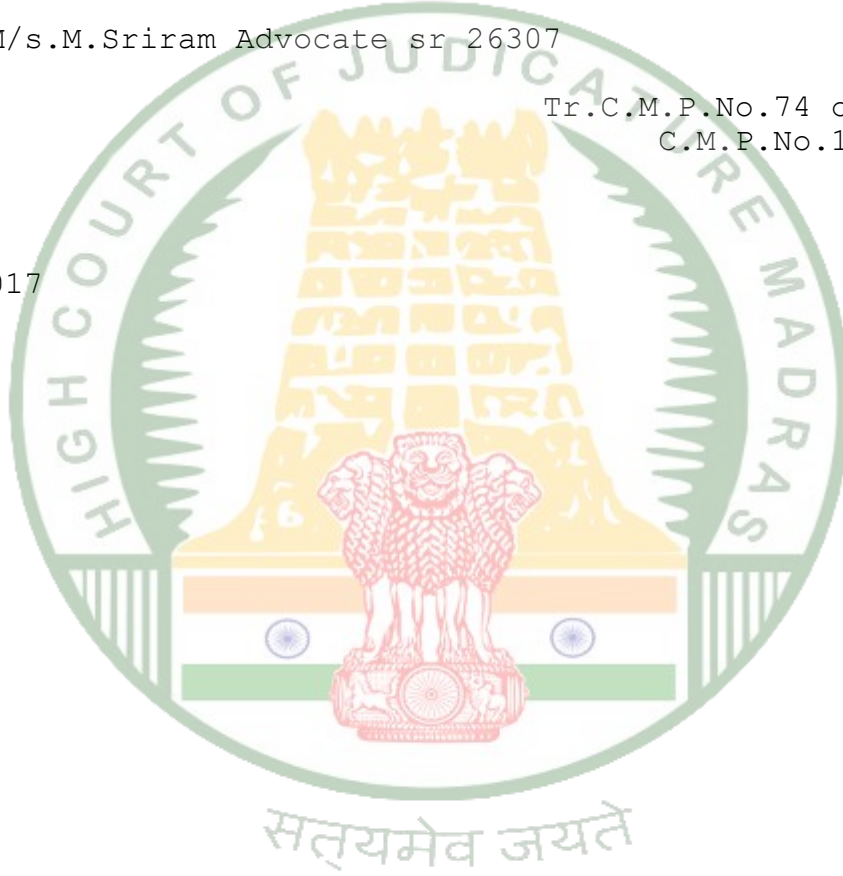
2. The Family Court,
Coimbatore.

3. The Section Officer
VR Section High Court, Madras

+1 cc to M/s.M.Sriram Advocate sr 26307

Tr.C.M.P.No.74 of 2017 and
C.M.P.No.1593 of 2017

gj(co)
aa19/06/2017



WEB COPY