

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.78 of 2017
and C.M.P.No.1624 of 2017

G.Meena

... Petitioner

Vs.

K.Srinivasan

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.46 of 2016 from the file of the learned Subordinate Judge, Periyakulam and transfer to the file of the learned Subordinate Judge, Hosur.

For Petitioner : Mr.V.Nicholas
For Respondent : Mr.J.Ramakrishnan

O R D E R

This petition is filed to withdraw H.M.O.P.No.46 of 2016 from the file of the learned Subordinate Judge, Periyakulam and transfer to the file of the learned Subordinate Judge, Hosur.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and respondent was conducted on 18.06.1995 as per Hindu rites and customs. The petitioner and respondent have two daughters namely Rishitha aged about 19 years and Rithika aged about 17 years. Due to difference of opinion arose between the petitioner and respondent, both of them are living separately. The respondent filed H.M.O.P.No.46 of 2016 for divorce on the ground of cruelty, on the file of the Subordinate Judge, Periyakulam.

3. According to the petitioner, she is residing along with two daughters at Hosur. The distance between Hosur and Periyakulam is more than 450 kilometres and hence, it is very difficult for her to travel from Hosur to Periyakulam to attend the hearing. Therefore, she prays for transfer of H.M.O.P.No.46 of 2016 from the file of the Subordinate Judge, Periyakulam to the file of the Subordinate Judge, Hosur.

4. The learned counsel appearing for the respondent submitted that the respondent is residing in Periyakulam Taluk, Theni District, if transfer is ordered it is very difficult for him to attend the Court at Hosur. Therefore, he prays for dismissal of this petition.

5. Heard both sides and perused the materials available on record.

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.46 of 2016 filed by the respondent, from the file of the Subordinate Judge, Periyakulam, to the file of the Subordinate Judge, Hosur.

7. Having regard to the submissions made by the learned counsel for the petitioner along with the above decision, the petition in H.M.O.P.No.46 of 2016 is ordered to be withdrawn from the file of the learned Subordinate Judge, Periyakulam and transferred to the file of the learned Subordinate Judge, Hosur. The learned Subordinate Judge, Periyakulam is directed to transmit all the records pertaining to H.M.O.P.No.46 of 2016 to the file of the learned Subordinate Judge, Hosur, within a period of two weeks from the date of receipt of a copy of this order.

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

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

dm/jv

To

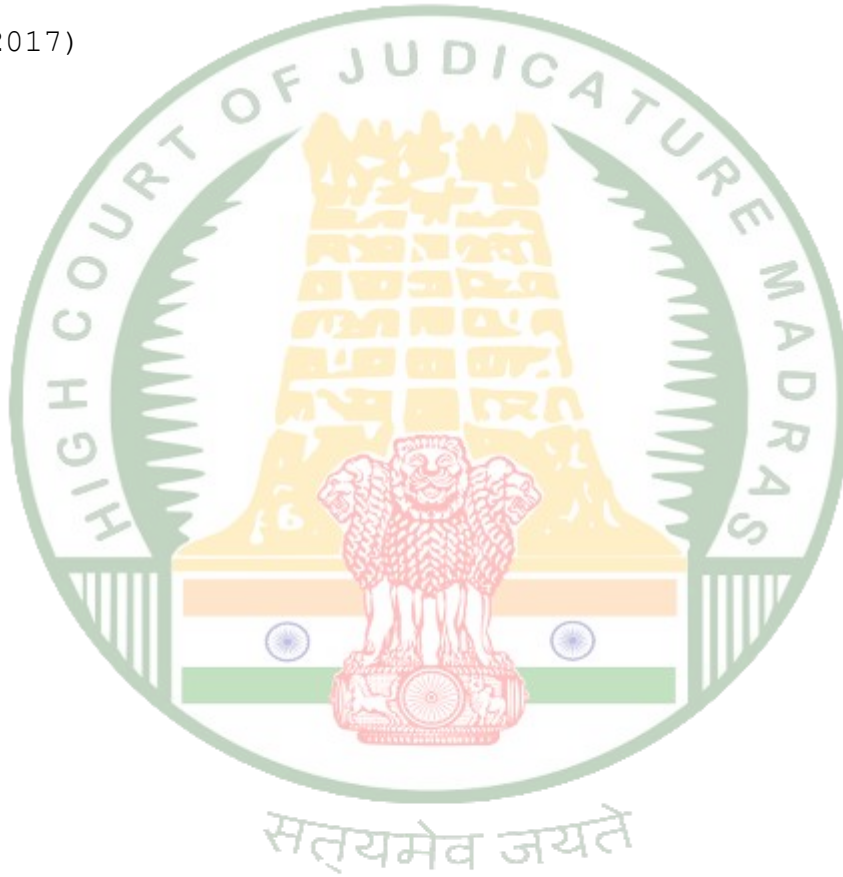
1. The Subordinate Judge,
Periyakulam.

2.The Subordinate Judge,
Hosur.

+1 CC to Mr.V. Nicholas, Advocate sr 45638
+1 CC to J. Ramakrishnan, Advocate sr 45491

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SP (25/07/2017)



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