

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2017

CORAM :
THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.79 of 2017
and C.M.P.No.1625 of 2017

Priya ... Petitioner
Vs.

S.Gunasekaran ... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.302 of 2016 from the file of the Sub-Court, Tambaram and transfer the same to the file of the Sub-Court, Panrutti.

For Petitioner : Ms. U.Anunitha

O R D E R

This petition is filed to withdraw H.M.O.P.No.302 of 2016 from the file of the Sub-Court, Tambaram and transfer the same to the file of the Sub-Court, Panrutti.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 12.09.2010 as per Hindu rites and customs. Due to difference of opinion arose between the petitioner and respondent, both of them are living separately. In the month of January 2016, the petitioner filed a petition in H.M.O.P.No.1 of 2016 before the Sub-Court, Panrutti, for divorce. The respondent filed H.M.O.P.No.302 of 2016 for restitution of conjugal rights on the file of the Sub-Court, Tambaram.

3. According to the petitioner, she is residing in Panrutti. The distance between Panrutti and Tambaram is more than 200 kilo metres and hence, it is very difficult for her to travel from Panrutti to Tambaram to attend the hearing. She has no body to accompany her to attend the hearing. Therefore, she prays for transfer of H.M.O.P.No.302 of 2016 from the file of the Sub-Court, Tambaram to the file of the Sub-Court, Panrutti.

4. Notice has been sent to the respondent and the same was returned with an endorsement 'left'. This Court has directed the Registry to print the name of the respondent in the cause list.

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 along with the above decision, the petition in H.M.O.P.No.302 of 2016 is ordered to be withdrawn from the file of the Sub-Court, Tambaram and transferred to the file of the Sub-Court, Panrutti and to be tried along with H.M.O.P.No.1 of 2016 filed by the petitioner. The Sub-Court, Tambaram, is directed to transmit all the records pertaining to H.M.O.P.No.302 of 2016 to the file of the Sub-Court, Panrutti, 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.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Sub Court
Panrutti.

2.The Sub-Court
Tambaram.

+1cc to Mr.U.Anunitha, Advocate SR.No.43640

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GN(07/07/2017)