

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.201 of 2015
and C.M.P.No.8609 of 2016

Dhanalakshmi

... Petitioner

Vs.

Nagaraj

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.90 of 2014 pending on the file of the Sub-Court, Tindivanam and transfer the same to the file of the Sub-Court, Gudiyatham, Vellore District.

For Petitioner : Mr.M.P.Jayaprakash
For Respondent : Mr.M.Rajendiran

O R D E R

This petition is filed to withdraw H.M.O.P.No.90 of 2014 pending on the file of the Sub-Court, Tindivanam and transfer the same to the file of the Sub-Court, Gudiyatham, Vellore District.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 28.01.2011 as per Hindu rites and customs. In the wedlock, a male child was born on 07.11.2011. Due to difference of opinion arose between the petitioner and respondent, they are living separately. The respondent filed H.M.O.P.No.90 of 2014 for divorce on the file of the Sub-Court, Tindivanam.

3. According to the petitioner, she is residing with his minor son at her parental home in Gudiyatham. The distance between Gudiyatham and Tindivanam is more than 150 kilometers. Hence, it is very difficult for her to travel from Gudiyatham to Tindivanam along with her minor child to attend the hearing. Moreover, she is depending on her parents including travelling expenses. Therefore, she prays for transfer of H.M.O.P.No.90 of 2014 from the file of the Sub-Court, Tindivanam to the file of the Sub-Court Gudiyatham, Vellore District.

4. The learned counsel for the respondent submitted that the respondent is working as police constable and hence, it is difficult for him to appear before the Sub-Court, Gudiyatham. Therefore, he prays for dismissal of the petition.

5. Heard both sides.

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counsel for the petitioner along with the above decision, the petition in H.M.O.P.No.90 of 2014 is ordered to be withdrawn from the file of the Sub-Court, Tindivanam and transferred to the file of the Sub-Court, Gudiyatham, Vellore District. The Sub-Court, Tindivanam, is directed to transmit all the records pertaining to H.M.O.P.No.90 of 2014 to the file of the Sub-Court, Gudiyatham, Vellore District, within a period of two weeks from the date of receipt of a copy of this order. The appearance of the parties is not necessary for all the hearings. They can appear before the trial Court, whenever the Court directs them to appear for the hearing.

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

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

1. The Sub Judge,
Tindivanam.

2. The Sub-Court, Gudiyatham
Vellore.

+1 CC to Mr.R. Margabandhu, advocate sr 43626

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LRS (CO)
sp(11/07/2017)