

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2017

CORAM

THE HONOURABLE Ms.JUSTICE V.M.VELUMANI

TR.CMP.No.265 of 2015
and M.P.No.1 of 2015

A.Shobana

... Petitioner

Vs

C.Raghu

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.189 of 2014 pending on the file of the Principal Sub Court, Chengalpet and transfer the same to Sub Court, Tiruvallur.

For Petitioner : Mr.P.Satheesh Kumar
For Respondent : No Appearance

ORDER

This transfer petition has been filed to withdraw the proceedings in HMOP.No.189 of 2014 pending on the file of the Principal Sub Court, Chengalpet and transfer it to Sub Court, Tiruvallur.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 06.5.2013 as per Hindu rites and customs. The petitioner came to her parent's house in the month December 2013 for taking treatment. Subsequently, the respondent did not take the petitioner to the matrimonial home and also demanded dowry. The petitioner lodged a complaint dated 23.10.2014 in the concerned police station. Thereafter, when the respondent was called for enquiry by the police, he filed a petition in HMOP.No.189 of 2014 for restitution of conjugal rights before the Principal Sub Court, Chengalpet and the same is pending.

3. According to the petitioner, she is residing along with her parents at Tiruvelangadu at Tiruvallur District. She is not having any independent income to meet her day to day life. In such a situation, to attend the Court proceedings at Chengalpet, she has to spend Rs.500/- for every hearing and one of her parent has to accompany her. Therefore, she finds it is very

difficult for her to attend the Court proceedings at Chengalpet. More so, she has attended the Court hearings on nine occasions. In such circumstances, the petitioner has filed the present transfer petition.

4. Heard the learned counsel appearing for the petitioner. Though notice was served on the respondent and Mr.B.Ramesh Kumar, the learned counsel has filed vakalath and entered appearance on his behalf, there is no representation for the respondent today.

5. 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].

6. Having regard to the submissions made by the learned counsel for the petitioner and relying on the above decision, the petition in H.M.O.P.No.189 of 2014 is ordered to be withdrawn from the file of the Principal Sub Court, Chengalpet and transferred to the file of the Sub Court, Tiruvallur. The Principal Sub Court, Chengalpet, is directed to transmit all the records pertaining to H.M.O.P.No.189 of 2014 to the file of the Sub Court, Tiruvallur, within a period of two weeks from the date of receipt of a copy of this order. On receipt of records, the learned Sub Judge, Tiruvallur is directed to dispose of the HMOP proceedings as expeditiously as possible, in any event, within a period of six months from the date of receipt of a copy of this order.

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

सत्यमेव जयते

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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To

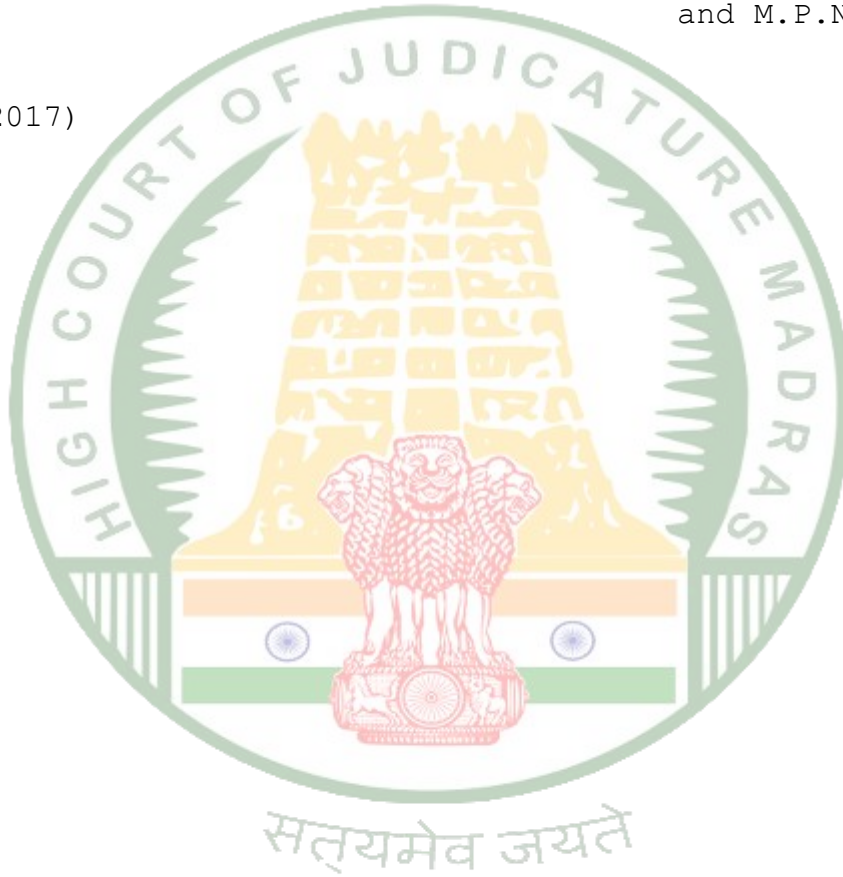
1. The Principal Sub Court, Chengalpet

2. The Sub Court, Tiruvallur

+lcc to Mr.P.Satheesh Kumar, Advocate Sr. 44225

TR.CMP.No.265 of 2015
and M.P.No.1 of 2015

AR(V)
VR(21/07/2017)



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