

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2017

CORAM :

THE HONOURABLE Ms.JUSTICE V.M.VELUMANI

Tr.C.M.P.No.317 of 2015

&

M.P.No.1 of 2015

N.Seethalakashmi ... Petitioner/Respondent

Vs.

S.Narasimakumar ... Respondent/Petitioner

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw the petition H.M.O.P.No.444 of 2015 pending on the file of I Additional Family Court, Coimbatore and transfer the same to Family Court, Sivaganga for trial or disposal.

For Petitioner : Mr.P.Sidharthan

For Respondent : Mr.C.Veeraraghavan

O R D E R

This Petition has been filed to withdraw and transfer the H.M.O.P No.444 of 2015 pending on the file of I Additional Family Court, Coimbatore to the Family Court, Sivaganga.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and the respondent was conducted on 02.09.2013 as per Hindu rites and customs. In the wedlock, a child was born. Due to difference of opinion, the petitioner and the respondent are living separately. The respondent filed H.M.O.P.No.444 of 2015 for restitution of conjugal rights before I Additional Family Court, Coimbatore.

3. According to the petitioner, she is residing with her parent's at Thirubhuvanam, Sivaganga District along with her child. The distance between Thirubhuvanam and Coimbatore is more than 350 kilometers. Therefore, it is very difficult for her to travel along with her ten months old child from Thirubhuvanam to Coimbatore to attend the Court hearing. She is not having any independent income and is depending on her parents for her day to day expenses including traveling expenses. In these circumstances, she has come out with the present Transfer Civil Miscellaneous Petition.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

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counsel for the petitioner and relying on the above decision, the petition in H.M.O.P.No.444 of 2015 is ordered to be withdrawn from the file of I Additional Family Court, Coimbatore and transferred to the file of the Family Court, Sivaganga. The I Additional Family Court, Coimbatore is directed to transmit all the records pertaining to H.M.O.P.No.444 of 2015 to the file of Family Court, Sivaganga, within a period of two weeks 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.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dh/ds

To:

1. The I Additional Judge,
Family Court,
Coimbatore.
2. The Judge,
Family Court,
Sivaganga.

+lcc to Mr.P.Sidharthan, Advocate, S.R.No.43254

+lcc to Mr.C.Veeraraghavan, Advocate, S.R.No.43419

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MSM(CO)

<https://hcservices.ecourts.gov.in/hcservices/>

CA(07/07/2017)