

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.336 of 2015
and M.P.No.1 of 2015

Preethi

... Petitioner

Vs.

A.S.Moorthy Srinivasan

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.479 of 2015 from the file of the Family Court, Coimbatore and transfer to the file of the Family Court, Trichy.

For Petitioner : Ms.R.Kamala Rani

For Respondent : No appearance

O R D E R

This petition is filed to withdraw H.M.O.P.No.479 of 2015 from the file of the Family Court, Coimbatore and transfer to the file of the Family Court, Trichy.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 29.05.2013 as per Hindu rites and customs. Due to difference of opinion, the petitioner was thrown out from the matrimonial home, when she was in family way. In the wed lock, a male child was born on 06.09.2014. Even after birth of the child, the respondent did not take the petitioner to matrimonial home. The respondent filed H.M.O.P.No.479 of 2015 for restitution of conjugal rights on the file of the Family Court, Coimbatore.

3. According to the petitioner, she is residing in Trichy along with her parents and minor child. The distance between Trichy and Coimbatore is more than 200 kilometres and hence, it is very difficult for her to travel from Trichy to Coimbatore along with her minor child to attend the hearing. Therefore, she prays for transfer of H.M.O.P.No.479 of 2015 from the file of the Family Court, Coimbatore to the file of the Family Court, Trichy.

4. Heard the learned counsel for the petitioner and there is no representation on behalf of 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counsel for the petitioner along with the above decision, the petition in H.M.O.P.No.479 of 2015 is ordered to be withdrawn from the file of the Family Court, Coimbatore and transferred to the file of the Family Court, Trichy. The Family Court, Coimbatore, is directed to transmit all the records pertaining to H.M.O.P.No.479 of 2015 to the file of the Family Court, Trichy, 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 VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Judge,
The Family Court, Trichy.
2. The Judge,
The Family Court, Coimbatore.

+1cc to Ms.R.Kamala Rani, Advocate, S.R.No.43728

Tr.C.M.P. No.336 of 2015
and M.P.No.1 of 2015

EV(CO)
CS/12/07/17