

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2017

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P. No.361 of 2015
and
M.P.No.1 of 2015

S.Archana

... Petitioner

Vs.

S.Hemanath

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw and transfer the H.M.O.P.No.15 of 2015 pending on the file of Sub-Court, Ranipet to the Sub-Court, Ooty.

For Petitioner : Mr.S.Makesh

For Respondent : Mr.B.Gopalakrishnan

O R D E R

This petition is filed to withdraw to withdraw H.M.O.P.No.15 of 2015 from the file of the Sub-Court, Ranipet and transfer to the file of the Sub-Court, Ooty.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 18.08.2011 as per Hindu rites and customs. In the wedlock, a female child was born to them on 16.11.2013. Due to difference of opinion, both the petitioner and respondent are living separately. The respondent filed H.M.O.P.No.15 of 2015 for divorce, before the file of the Sub-Court, Ranipet.

3. According to the petitioner, she is residing at Ooty with her parents along with her minor child. The distance between Ooty and Ranipet is more than 450 kilometres and hence, it is very difficult for her to travel from Ooty to Ranipet to attend the hearing before the Sub-Court, Ranipet. Further, the petitioner has no independent income and is depending on her parents for her day-to-day expenses including travelling expenses. Therefore, she prays for transfer of H.M.O.P.No.15 of 2015 from the file of the Sub Court, Ranipet to the file of the Sub Court, Ooty.

4. Heard the learned counsel for the petitioner and 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counsel for the petitioner and with the above cited decisions, the petition in H.M.O.P.No.15 of 2015 is ordered to be withdrawn from the file of the Sub Court, Ranipet and transferred to the file of the Sub Court, Ooty. The Presiding Officer, Sub Court, Ranipet, is directed to transmit all the records pertaining to H.M.O.P.No.15 of 2015 to the file of the Sub Court, Ooty, within a period of two weeks from the date of receipt of a copy of this order. The Presiding Officer, Sub-Court, Ooty, is directed to dispose of H.M.O.P.No.15 of 2015 as expeditiously as possible, in any event, not later than, six months from the date of receipt of a copy of this order.

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

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

gv
To

1.The Sub Court,
Ranipet.

2.The Sub Court,
Ooty.

+1cc to M/s.S.Mahesh,Advocate sr.45529

+1cc to M/s.B.Gopalakrishnan,Advocate sr45637

Tr.C.M.P. No.361 of 2015 and
M.P.No.1 of 2015

ppa (co)
ss (14/7/2017)