

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2017

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.366 of 2015

and

M.P.No.1 of 2015

S. Soundari

... Petitioner

Vs.

B. Viswalingam

.... Respondent

Prayer: Petition has been filed under Section 24 of C.P.C., to withdraw the petition filed by the respondent in H.M.O.P.No.148 of 2014 on the file of the Sub-Judge, Dharmapuri and transfer the same to the Sub-Judge, Krishnagiri.

For Petitioner : Mr.P. Ezhil Nilavan

For Respondent : K. Srinivasan

O R D E R

This petition is filed to withdraw H.M.O.P.No.148 of 2014 from the file of the Sub-Judge, Dharmapuri and transfer the same to the file of the Sub-Judge, Krishnagiri.

2. The petitioner is the wife and respondent is the husband. The marriage between the respondent and petitioner was conducted on 29.04.2007 as per Hindu rites and customs. In the wedlock, a male child was born on 08.01.2009. Due to demand of dowry, dispute arisen and the petitioner was sent out from the matrimonial home and she is residing with her parents at Krishnagiri along with her child. The respondent filed H.M.O.P.No.148 of 2014 before the Sub-Judge, Dharmapuri, for divorce making false allegations against the petitioner.

3. According to the petitioner, she is residing with her parents at Krishnagiri and working as a Secondary Grade teacher at Government Girls Hr. Sec. School, at Krishnagiri. The distance between Krishnagiri and Dharmapuri is more than 50 kilometres and hence, she finds it very difficult to attend the

Court proceedings at Dharmapuri along with her minor son. Hence, she has come up with the present C.R.P.

4. Heard the learned counsel for the petitioner and the learned counsel 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 that the petitioner and her minor son are living with her parents house at Krishnagiri, the petition in H.M.O.P.No.148 of 2014 is ordered to be withdrawn from the file of the Sub-Judge, Dharmapuri, and transferred to the file of the Sub-Judge, Krishnagiri. The Presiding Officer, Sub Court, Dharmapuri, is directed to transmit all the records pertaining to H.M.O.P.No.148 of 2014 to the file of Sub-Court, Krishnagiri, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the records, the Presiding Officer, Sub Court, Krishnagiri, is directed to dispose the HMOP as expeditiously as possible, in any event, not later than 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.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

lbm
To

1.The Sub-Judge,
Dharmapuri.

2.The Sub-Judge,
Krishnagiri.

Tr.C.M.P. No.366 of 2015

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