

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.476 of 2015

&

M.P. No.1 of 2015

P.Bharathi

... Petitioner

Vs.

R.Manjunathan

.... Respondent

Prayer: Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.133 of 2015 on the file of the Sub-Court, Tambaram, and transfer the same to the file of the Family Court, Trichy.

For Petitioner : Mr.B.Kumarasamy

For Respondent : Mr.S.Paneer Selvam

ORDER

This petition has been filed by the petitioner seeking to withdraw the H.M.O.P.No.133 of 2015 from the file of the Sub-Court, Tambaram, and transfer the same 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 08.09.2002 as per Hindu rites and customs and in the wed lock, a male child was born. The respondent, without any reason, thrown the petitioner out from the matrimonial home and filed H.M.O.P.No.133 of 2015 for divorce on the ground of cruelty, before the Sub-Court, Tambaram.

3. According to the petitioner, she is residing at Trichy in her parents house along with her son. The distance between Trichy and Tambaram is more than 300 kilo metres and hence, it is very difficult for her to travel from Trichy to Tambaram to attend the hearing. Therefore, she prays for transfer of H.M.O.P.No.133 of 2015 from the file of the Sub-Court, Tambaram to the file of the Family Court, Trichy.

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 along with her male child are living with her parents house at Trichy, the petition in H.M.O.P.No.133 of 2015 is ordered to be withdrawn from the file of the Sub-Court, Tambaram, and transferred to the file of the Family Court, Trichy. The Sub-Judge, Tambaram, is directed to transmit all the records pertaining to H.M.O.P.No.133 of 2015 to the file of 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(J)

//True Copy//

Sub Assistant Registrar

Jrl

To

1. The Subordinate Judge,
Tambaram.

2. The Judge,
Family Court,
Trichy.

+1cc to Mr.B.Kumarasamy, Advocate, S.R.No.44612

Tr.C.M.P. No.476 of 2015

GM I (CO)
CA(26/07/2017)