

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-06-2017

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.No.583 of 2015
and M.P.No.1 of 2015

K.Lakshmi

...

Petitioner

Vs.

P.Saravanan

...

Respondent

Petition filed under Section 24 of Civil Procedure Code, to withdraw the proceedings in O.P No.206/2014, on the file of the Family Court, Trichy, to be transferred to the court of the Subordinate Judge, Tambaram, Chennai.

For Petitioner : Mr.N.Alamelu Mangai
For Respondent : No appearance

O R D E R

This transfer petition is filed to withdraw the proceedings in O.P No.206/2014, on the file of the Family Court, Trichy, to be transferred to the court of the Subordinate Judge, Tambaram, Chennai.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 14.05.2000. Two children by name Kavya and Saran were born in the wedlock, on 30.01.2001 & 26.04.2006 respectively. Due to difference of opinion, the petitioner and the respondent are living separately. The petitioner filed M.C.No.48 of 2012 before Judicial Magistrate Court, Tambaram for maintenance of herself and her children. On receiving the notice, the respondent originally filed H.M.O.P.No.612 of 2012 before Sub Court, Trichy for divorce against the petitioner on the ground of cruelty. Subsequently, the said HMOP No.612 of 2012 was transferred to the file of Family Court, Trichy and re-numbered as O.P.No.206 of 2014 and the same is pending.

3. According to the petitioner, she is residing at Chitlapakkam, Chennai alongwith her minor children. The distance between Chennai and Trichy is more than 300 kilometers and it is

very difficult for her to travel along with her minor children, for each and every hearing before Family Court, Trichy. She is not having any independent income and is depending on her parents for her day-to-day expenses, including the travelling expenses. In these circumstances, she has come out with the present Transfer Civil Miscellaneous Petition.

4. Though notice has been served on the respondent and the respondent had entered appeared through counsel, there is no representation 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]. Further, the petitioner has also given valid and sufficient reasons to transfer the case in O.P.No.206 of 2014 from the file of Family Court, Trichy to the file of Sub Court, Tambaram where M.C.No.48 of 2012 filed by the petitioner is pending.

6. Taking into consideration the above facts and for convenience of both parties and to avoid conflicting decisions, both O.P.No.206 of 2014 pending on the file of the Family Court, Trichy and M.C.No.48 of 2012, pending on the file of the Judicial Magistrate Court, Tambaram are to be tried together in the same Court, for joint trial. The Presiding Officer, Family Court, Trichy is directed to transmit all the records pertaining to O.P.No.206 of 2014 to the file of Sub Court, Tambaram, 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, Tambaram, is directed to dispose of the case, as expeditiously as possible, in any event, not later than 30th September 2017.

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

s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

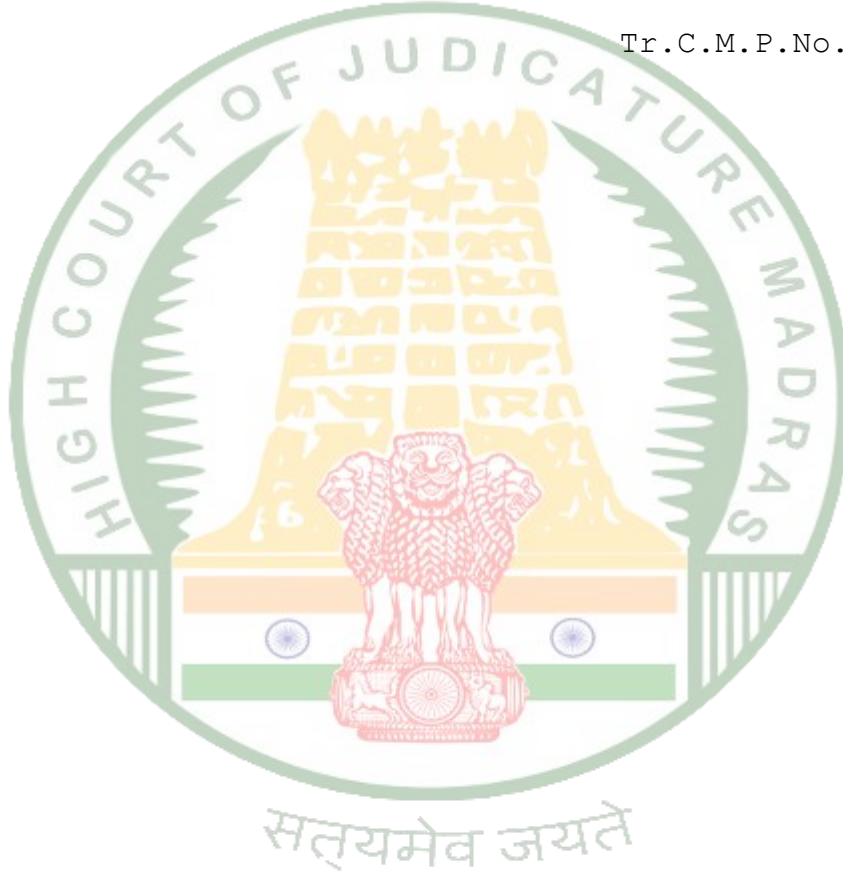
1.The Family Court,
Trichy.

2.The Sub Court,
Tambaram.

+1 CC to M/s. N. Alamelu Mangai, Advocate sr 41122

Tr.C.M.P.No.583 of 2015

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