

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.280 of 2016
and
C.M.P.No.7669 of 2016

M.P.Karthikayini

... Petitioner

Vs.

AL.Muthukumar

... Respondent

Petition filed under Section 24 of Civil Procedure Code, to withdraw and transfer the matrimonial proceedings in H.M.O.P No.830 of 2016, pending on the file of 1st Additional Judge, Family Court at Chennai to the file of the Family Court at Pudukkottai.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondent : No appearance

O R D E R

This transfer petition is filed to withdraw and transfer the matrimonial proceedings in H.M.O.P No.830 of 2016, pending on the file of 1st Additional Judge, Family Court at Chennai to the file of the Family Court at Pudukkottai.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and the respondent was conducted on 27.08.2015 as per Hindu rites and customs. Both the petitioner and the respondent were living in the matrimonial home at Chennai. Due to difference of opinion, the petitioner and the respondent are living separately. On suspicion, the respondent had thrown out the petitioner from the matrimonial home and the petitioner is now residing with her parents. The respondent filed H.M.O.No.830 of 2016 for divorce against the petitioner and the same is pending before 1st Additional Family Court, Chennai.

3. According to the petitioner, at the time of filing of this transfer petition, she was in the family way and in the

advanced stage of pregnancy. Now, a male child was born and she is now residing with her parents at Pudukkottai. The distance between Pudukkottai and Chennai is more than 500 kilometers and it is very difficult for the petitioner to travel along with her minor child, for each and every hearing before Family Court, Chennai. 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 H.M.O.P.No.830 of 2016 from the file of I Additional Family Court, Chennai to the file of Family Court, Pudukkottai.

6. Considering the facts and circumstances of the present case and having satisfied with the reasons given in the affidavit filed in support of the petition, without deciding the issue on merits, the petition in H.M.O.P.No.830 of 2016 is ordered to be withdrawn from the file of 1st Additional Family Court, Chennai and transferred to the file of the Family Court, Pudukkottai. The Presiding Officer, I Additional Family Court, Chennai is directed to transmit all the records pertaining to H.M.O.P.No.830 of 2016 to the file of Family Court, Pudukkottai, 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, Family Court, Pudukkottai 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.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rgr

To

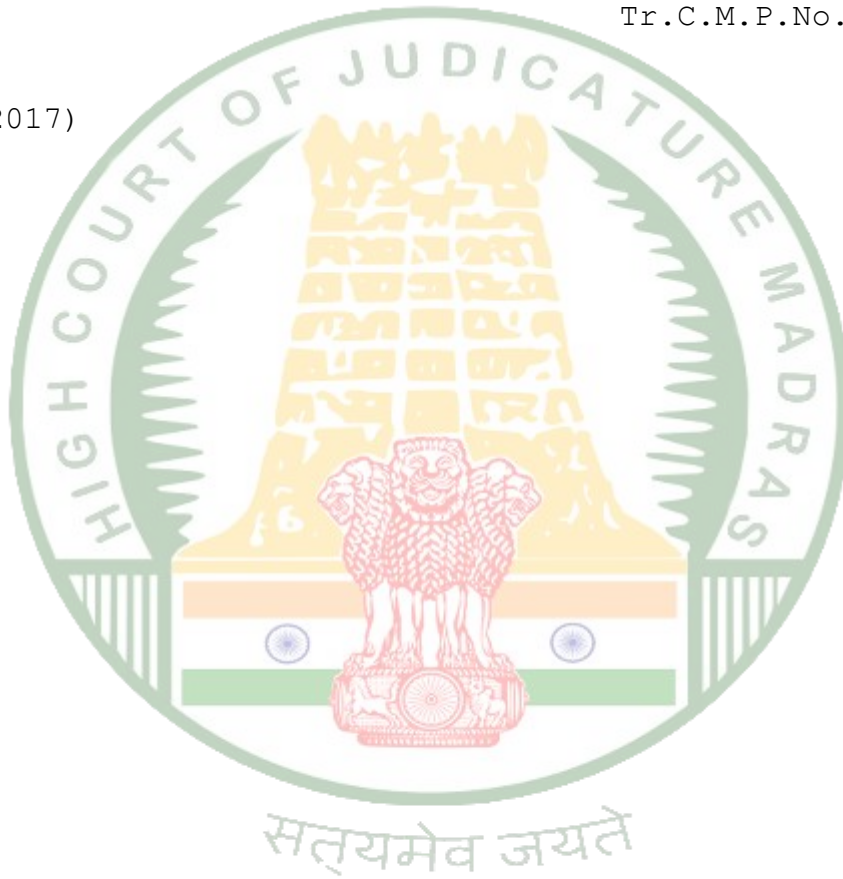
1.The I Additional Family Court,
Chennai.

2.The Family Court,
Pudukkottai.

+lcc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.41385

Tr.C.M.P.No.280 of 2016

EV(CO)
CA(22/06/2017)



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