

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2017

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.678 of 2016
and C.M.P.No.17726 of 2016

V.Samundeeswari

... Petitioner

Vs.

R.Surendar

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.76 of 2016 pending on the file of the Subordinate Judge, Attur, and transfer the same to the file of the learned Subordinate Judge, Kancheepuram District and to be tried along with H.M.O.P.No.154 of 2016.

For Petitioner : Mr.G.Punniakotti

For Respondent : Mr.L.Rajendran

O R D E R

This petition is filed to withdraw H.M.O.P.No.76 of 2016 pending on the file of the learned Subordinate Judge, Attur, and transfer the same to the file of the learned Subordinate Judge, Kancheepuram District and to be tried along with H.M.O.P.No.154 of 2016 pending on its file.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 14.12.2011 as per Hindu rites and customs. Due to difference of opinion arose between the petitioner and respondent, they are living separately. The respondent filed H.M.O.P.No.76 of 2016 for divorce on the file of the Sub-Court, Attur. The petitioner filed H.M.O.P.No.154 of 2016 for restitution of conjugal rights on the file of the Sub-Court, Kancheepuram.

3. According to the petitioner, she is residing at Sriperumbudur in Kancheepuram. The distance between Attur and Sriperumbudur is more than 250 kilometres and hence, it is very difficult for her to travel from Sriperumbudur to Attur to attend the hearing. Therefore, she prays for transfer of H.M.O.P.No.76 of 2016 from the file of the Sub-Court, Attur to the file of the Sub-Court, Kancheepuram and to try along with H.M.O.P.No.154 of 2016 pending on its file.

4. Heard both sides.

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counsel for the petitioner along with the above decision, the petition in H.M.O.P.No.76 of 2016 is ordered to be withdrawn from the file of the Sub-Court, Attur and transferred to the file of the Sub-Court, Kancheepuram and to be tried along with H.M.O.P.No.154 of 2016. The Sub-Court, Attur, is directed to transmit all the records pertaining to H.M.O.P.No.76 of 2016 to the file of the Sub-Court, Kancheepuram, 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(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Sub Court,
Attur.

2.The Sub-Court,
Kancheepuram.

+1cc to Mr.L.Rajendran, Advocate Sr.42231

Tr.C.M.P. No.678 of 2016
and C.M.P.No.17726 of 2016

rr[co]
srg 28/06/2017