

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2017

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.709 of 2016
and C.M.P.No.18351 of 2016

Sagayarani

... Petitioner

Vs.

Alexander

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw and transfer the O.P.No.1422 of 2016 from the file of the Principal Family Court, Chennai to Sub-Court, Villupuram.

For Petitioner : Dr.S.Padma
For Respondent : Mr.M.Karthikeyan

O R D E R

This petition is filed to withdraw O.P.No.1422 of 2016 pending on the file of the Principal Family Court, Chennai and to transfer it to the file of the Sub-Court, Villupuram.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnised on 29.10.2015 as per Hindu rites and customs. After the marriage, both were residing at the matrimonial home in Chennai. It is stated that due to the ill advice given by respondent's parents, the respondent started ill-treating the petitioner with cruelty and picked up unnecessary quarrel with her. The petitioner also stated that she suffered from stomach ailments and since no care was given in her matrimonial home, she was taken by her parents to her native place at Tirukoilur for treatment. Thereafter, the respondent never chose to visit the petitioner at her parent's house at Thirukoilur. While so, the petitioner received a Court notice in HMOP.No.1422 of 2016 filed before the Principal Family Court, Chennai by the respondent, seeking divorce against the petitioner.

3. According to the petitioner, she is residing along with her parents at Thirukoilur, Villupuram District. The distance between Thirukoilur and Chennai is more than 300 kilometres and

hence, it is very difficult for her to travel to Chennai from Thirukoilur to attend the Court proceedings in HMOP. It is stated that the petitioner did not have any source of independent income and she depends on her parents solely for her day to day expenses including travel expenses incurred during her travel to Chennai to attend each and every Court hearings. Therefore, the petitioner has filed this petition praying to transfer HMOP.No.1422 of 2016 pending on the file of the Principal Family Court, Chennai, to the file of Sub Court, Villupuram.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

5. It is a 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 and in the interest of justice, the petition in HMOP.No.1422 of 2016 is ordered to be withdrawn from the file of the Principal Family Court, Chennai and transferred to the file of the Sub-Court, Villupuram. The Presiding Officer, Principal Family Court, Chennai, is directed to transmit all the records pertaining to HMOP.No.1422 of 2016 to the file of the Sub-Court, Villupuram, 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/-
सत्यमेव जयते

Assistant Registrar

//True Copy//

WEB COPY

Sub Assistant Registrar

dm/ds

To

1. The Principal Family Court,
Chennai

2. The Sub-Court
Villupuram.

+1cc to Mr.M.Karthikeyan, Advocate Sr. 41851

Tr.C.M.P. No.709 of 2016
and C.M.P.No.18351 of 2016

KS (CO)
VR(28/06/2017)



WEB COPY