

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2017

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.No.716 of 2016

&

C.M.P.No.18606 of 2016

M.Subashree

... Petitioner

Vs.

M.Krishna Nivas

... Respondent

Prayer: Petition has been filed under Section 24 of C.P.C., to transfer the O.P.No.2862 of 2016 pending on the file of I Additional Family Court at Chennai, to the Sub-Court, Uthamapalayam.

For Petitioner : Dr.S.Padma

For Respondent : No appearance

O R D E R

This transfer petition is filed to withdraw O.P.No.2862 of 2016 pending on the file of I Additional Family Court at Chennai, to the Sub-Court, Uthamapalayam.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 27.11.2014 as per Hindu rites and customs. Due to the difference of opinion that arose between the petitioner and respondent, they are living separately. The respondent filed O.P. No. 2862 of 2016 before I Additional Family Court, Chennai for divorce.

3. According to the petitioner, she is residing along with her parents at Cumbum. The distance between Cumbum and Chennai is more than 550 kilometers and it takes more than 10 hours to reach Chennai from Cumbum. Since her parents are aged and her father had underwent surgery, and there is nobody else to accompany her to attend the Court proceedings, she finds it very difficult to travel such a long distance to attend the Court proceedings. She is not having any independent income and 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. It is seen that notice was served to the respondent and Mr.M.P.Saravanan, learned counsel has filed vakalat for the respondent. In spite of notice being served and learned counsel had entered appearance, there is no representation for the respondent today.

5. Heard the learned counsel for the petitioner.

6. 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].

7. Having regard to the submissions made by the learned counsel for the petitioner and by relying on above decision, the petition in O.P.No.2862 of 2016 is ordered to be withdrawn from the file of I Additional Family Court, Chennai and transferred to the file of Sub Court, Uthamapalayam. The I Additional Family Court, Chennai is directed to transmit all the records pertaining to O.P.No.2862 of 2016 to the file of the Sub-Court, Uthamapalayam, within a period of two weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ds

To

1. The Ist Additional Family Court,
Chennai.
2. The Sub Court,
Uthama Palayam.

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&
C.M.P.No.18606 of 2016

AK(CO)
CA(06/07/2017)

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