

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.740 of 2016
and C.M.P.No.19163 of 2016

Nirmala ... Petitioner/Respondent

Vs.

Balamurugan ... Respondent/Petitioner

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.725 of 2016 from the file of the Principal Family Court, Coimbatore and transfer to the file of the Court of Competent Jurisdiction, Pondicheery.

For Petitioner : Mr.P.Pandiyaraj

O R D E R

This petition is filed to withdraw H.M.O.P.No.725 of 2016 from the file of the Principal Family Court, Coimbatore and transfer it to any competent Court at Pondicheery.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 10.02.2016. After marriage, both lived together in the matrimonial home at Coimbatore. Due to difference of opinion that arose between them, they got separated and the petitioner is now residing with her parents. While so, the respondent filed H.M.O.P.No.725 of 2016 before the Principal Family Court, Coimbatore for divorce against the petitioner. The petitioner also filed M.C.No.38 of 2016 for maintenance on the file of Family Court, Pondicherry.

3. According to the petitioner, she is at present residing with her parents at Pondicherry. The distance between Coimbatore to Pondicherry is more than 400 kilometres. Hence, it is very difficult for her to travel from Coimbatore to Pondicherry to attend the Court proceedings. Therefore, the petitioner prays for transfer of H.M.O.P.No.725 of 2016 from the file of the Principal Family Court, Coimbatore to the file of the Family

Court, Pondicherry, to be tried along with M.C.No.38 of 2016 pending on its file.

4. Though notice has been served to the respondent and his name being printed in the cause list, there is no representation for the respondent either in person or through counsel.

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 Vs.Kumar Sanjay and another].

7. Having regard to the submissions made by the learned counsel for the petitioner and relying on the above decision, the petition in H.M.O.P.No.725 of 2016 is ordered to be withdrawn from the file of the Principal Family Court, Coimbatore and transferred to the file of the Family Court, Pondicherry and to be tried along with M.C.No.38 of 2016, pending on its file. The presiding Officer, Principal Family Court, Coimbatore, is directed to transmit all the records pertaining to H.M.O.P.No.725 of 2016 to the file of the Family Court, Pondicherry 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(CS V)

//True Copy//

Sub Assistant Registrardm/ds

To

1. The Principal Family Court,
Coimbatore.

2. The Family Court,
Pondicherry.

+lcc to Mr.P.Pandiyaraj, Advocate Sr. 42359

Tr.C.M.P. No.740 of 2016
and C.M.P.No.19163 of 2016

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



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