

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.746 of 2016
and C.M.P.No.19287 of 2016

Revathi

... Petitioner

Vs.

Baranidharan

... Respondent

Prayer:- Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.97 of 2016 from the file of the learned Subordinate Judge, Hosur and transfer the same to the file of the Family Court, Erode, Erode District.

For Petitioner : Mr.S.Vijayakumar
For Respondent : Mr.M.P.Saravanan

O R D E R

This petition is filed to withdraw the H.M.O.P.No.97 of 2016 from the file of the Sub Court, Hosur and transfer to the file of the Family Court, Erode.

2. The petitioner is the wife and respondent is the husband. The case of the petitioner is that the marriage between the petitioner and respondent was conducted on 10.06.2005 as per Hindu rites and customs. After the marriage, the respondent and his family members ill-treated the petitioner for no valid reasons and the petitioner was forcibly sent out of the matrimonial house by the respondent. The respondent filed a petition in H.M.O.P.No. 97 of 2016 before the Sub Court, Hosur, for divorce against the petitioner. Thereafter, the petitioner filed a petition claiming maintenance in M.C.No.5 of 2016 before the District Munsif Cum Judicial Magistrate Court, Kodumudi.

3. According to the petitioner, she is residing at Kodumudi, Erode District along with her widow mother. The distance between Hosur and Kodumudi is more than 150 kilometres and she finds it very difficult to travel from Hosur to Kodumudi to attend the hearing. Under the said circumstances, the petitioner has come out with the transfer petition praying to transfer the HMOP.

No.97 of 2016 pending on the file of Sub Court, Hosur to the file of the Family Court, Erode.

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

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counsel for the petitioner and on relying on the above decision, the petition in H.M.O.P.No.97 of 2016 is ordered to be withdrawn from the file of the Sub-Court, Hosur and transferred to the file of the Principal Sub Court, Erode. The Sub Court, Hosur, is directed to transmit all the records pertaining to H.M.O.P.No.97 of 2016 to the file of the Principal Sub-Court, Erode, 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

//True Copy//

Sub Assistant Registrar

dm/ds

To

1.The Sub Court,
Hosur.

2.The Principal Sub Court
Erode.

+lcc to Mr.S.Vijayakumar, Advocate, S.R.No.42256

Tr.C.M.P. No.746 of 2016
and C.M.P.No.19287 of 2016

SVI (CO)
RS (03/07/2017)