

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2017

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.753 of 2016
and C.M.P.No.19309 of 2016

Lakshmi

... Petitioner

Vs.

Veeraraghavan

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.106 of 2016 from the file of the Sub Court, Thoothukudi and transfer the same to the file of the Sub Court, Sathyamangalam, Erode District.

For Petitioner : Mr. N. Chinnaraj

For Respondent : Mr. S. Sugendran

O R D E R

This petition is filed to withdraw H.M.O.P.No.106 of 2016 from the file of the Sub Court, Thoothukudi and transfer to the file of the Sub Court, Sathyamangalam, Erode District.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 27.03.2014 as per Hindu rites and customs and in the wedlock, two children were born. Due to difference of opinion, the petitioner and the respondent are living separately. The respondent filed H.M.O.P.No.106 of 2016 for divorce before the Sub Court, Thoothukudi. The petitioner has also filed M.C.No.5 of 2016 before the Inspector of Police, Sathyamangalam Police Station and the same was pending on the file of the Judicial Magistrate, Sathyamangalam.

3. According to the petitioner, she is residing at Sathyamangalam along with her parents and minor children. The distance between Sathyamangalam and Thoothukudi is more than 400 kilometres and hence, it is very difficult for her to travel from Sathyamangalam to Thoothukudi to attend the hearing along with her minor children. Moreover, the petitioner has no independent income and is depending on her parents for her day-to-day expenses including travelling expenses. Therefore, she prays for transfer of H.M.O.P.No.106 of 2016 from the file of

the Sub Court, Thoothukudi to the file of the Sub-Court, Sathyamangalam.

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

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 the above cited decisions, the petition in H.M.O.P.No.106 of 2016 is ordered to be withdrawn from the file of the Sub Court, Thoothukudi and transferred to the file of the Sub Court, Sathyamangalam. The Presiding Officer, Sub Court, Thoothukudi is directed to transmit all the records pertaining to H.M.O.P.No.106 of 2016 to the file of the Sub Court, Sathyamangalam, within a period of two weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gv

To

1. The Sub Court
Thoothukudi
2. The Sub-Court
Sathyamangalam

Tr.C.M.P. No.753 of 2016
and C.M.P.No.19309 of 2016

GJ(CO)
CS/12/07/17