

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2017

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P. No.804 of 2016
and
C.M.P.No.20301 of 2016

B. Mahalakshmi alias Silbel ... Petitioner/Respondent

Vs.

U.Manimaran ... Respondent/Petitioner

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw IDOP.No.121 of 2016 from the file of the Family Court, Chenglepet and transfer to the file of the Family Court, Chennai.

For Petitioner : Mr.K.Premkumar

For Respondent : Mr.V.Gabrid

O R D E R

This petition is filed to withdraw IDOP.No.121 of 2016 from the file of the Family Court, Chenglepet and transfer to the file of the Family Court, Chennai.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 05.07.2011 as per Christian rites and customs. In the wedlock, a male child was born on 08.07.2015 to them.

3. Due to difference of opinion, both the petitioner and respondent are living separately. The petitioner through her in-laws came to know that the respondent/husband already married one Jagadeeswari and asked the petitioner to live in the matrimonial home along with the said Jagadeeswari. On such information, the petitioner lodged a complaint before the W.6 Ayanavaram All Women Police Station, Chennai, which was forwarded to the All Women Police Station, Tambaram, Chennai, wherein the respondent gave an undertaking that he is ready to live with the petitioner after setting up a separate home, resulting in the closure of the complaint. However, the

respondent failed to keep up his promise. The respondent filed IDOP.No.67 of 2016 for divorce, before the Principal District Court, Chengalpet. Subsequently, the same was renumbered as FCIDOP. No.121 of 2016 and transferred to the file of the Family Court, Chengalpet.

4. According to the petitioner, she is residing at Chennai with her parents along with her minor child. It is very difficult for her to attend every hearing before the Family Court, Chengalpet along with her minor child and father, who is an auto-rickshaw driver. Further, 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 IDOP.No.121 of 2016 from the file of the Family Court, Chengalpet to the file of the Family Court, Chennai.

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

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 with the above cited decisions, the petition in IDOP.No.121 of 2016 is ordered to be withdrawn from the file of the Family Court, Chengalpet and transferred to the file of the Family Court, Chennai. The Presiding Officer, Family Court, Chengalpet, is directed to transmit all the records pertaining to IDOP.No.121 of 2016 to the file of the Family Court, Chennai, 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 II)

//True Copy//

Sub Assistant Registrar

To

1.The Family Court,
Chengalpet.

2. The Family Court,
Chennai.

+lcc to Mr.K.Prem Kumar, Advocate SR.44662

Tr.C.M.P. No.804 of 2016
and
C.M.P.No.20301 of 2016

SJ(CO)
GN(12/07/2017)



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