

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2017

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.808 of 2016
& C.M.P.No.20305 of 2016

V.Suruthi ... Petitioner

Vs.

C.Selvam ... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw and transfer the H.M.O.P.No.86 of 2016 pending on the file Sub-Court, Arani, and directed to file the same before the Sub-Court, Cheyyar.

For Petitioner : Mr.S.Makesh
For Respondent : Mr.K.Gopi

O R D E R

The petition is filed to withdraw H.M.O.P.No.86 of 2016 from the file of the Sub-Court, Arani and transfer to the file of the Sub-Court, Cheyyar.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 26.06.2015 as per Hindu rites and customs. Due to difference of opinion arose between the petitioner and respondent, both of them are living separately. The respondent filed H.M.O.P.No.86 of 2016 for divorce and same is pending before the Sub-Court, Arani.

3. According to the petitioner, she is residing at Cheyyar along with her aged parents, younger brother and sister. The respondent is residing at Chetpet and he is attending the Court at Arani for all the hearings. The distance between Cheyyar and Arani is only 33 kilometers and it would not be difficult for the respondent to appear before the Court at Cheyyar. The petitioner is not having any independent income and is depending on her aged 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 to transfer the H.M.O.P.No.86 of 2016 from the file of the Sub-Court, Arani to the file of the Sub-Court, Cheyyar.

4. The learned counsel appearing for the respondent submitted that the respondent is residing in Thiruvannamalai

District, if transfer petition is ordered it is very difficult for him to attend the Court at Cheyyar. Therefore, he prays for dismissal of this petition.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record.

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]. Further, the petitioner has also given valid and sufficient reasons to transfer the case in H.M.O.P.No.86 of 2016 filed by the respondent, from the file of Sub-Court, Arani, to the file of Sub-Court, Cheyyar.

7. Considering the facts and circumstances of the present case along with the above decision, the petition in H.M.O.P.No.86 of 2016 is ordered to be withdrawn from the file of the Sub-Court, Arani and transferred to the file of the Sub-Court, Cheyyar. The learned Sub-Court, Arani, is directed to transmit all the records pertaining to H.M.O.P.No.86 of 2016 to the file of the Sub-Court, Cheyyar, 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 Registrar

dm/jv

To

1.The Presiding Officer, Sub-Court,
Arani.

2.The Presiding Officer, Sub-Court,
Cheyyar.

+1cc to Mr.S.Makesh, Advocate SR.No.45528

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NM(CO)

GN(02/08/2017)

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