

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2017

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. Nos.812 and 813 of 2016
and C.M.P.Nos.20378 and 20379 of 2016

P.Punithamozhi ... Petitioner in both Tr.CMPs.
Vs.

S.Nagendran ... Respondent in both Tr.CMPs.

Prayer:- Petitions have been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.751 of 2016 and H.M.O.P.No.639 of 2016 from the file of the Family Court, Madurai and transfer to the file of the Principal Family Court, Chennai.

For Petitioner : M/s.Stella Rajkumar
Mr.S.Venkatasubramanian for
for both Tr.CMPs.

O R D E R

These petitions are filed to withdraw H.M.O.P.Nos.751 of 2016 and H.M.O.P.No.639 of 2016 from the file of the Family Court, Madurai and transfer to the file of the Principal Family Court, Chennai.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 12.06.2015 as per Hindu customs and ceremonies. Due to difference of opinion arose between the petitioner and respondent, both of them are living separately. The petitioner filed H.M.O.P.No.751 of 2016 for divorce on the ground of cruelty, before the file of the Family Court, Madurai. The respondent has also filed H.M.O.P.No.639 of 2016 for restitution of conjugal rights on the file of the Principal Family Court, Madurai.

3. According to the petitioner, she is residing at Chennai. The distance between Madurai and Chennai is more than 460 kilo metres and hence, it is very difficult for her to travel from Madurai to Chennai to attend the hearing. Therefore, she prays for transfer of H.M.O.P.No.639 of 2016 from the file of the Family Court, Madurai to the file of the Principal Family Court, Chennai in H.M.O.P.No.751 of 2016.

4. Notice has been sent to the respondent and the same was returned with an endorsement 'unclaimed'. This Court has directed the Registry to print the name of the respondent in the cause list. Though the name of the respondent has been printed in the cause list, there is no representation on behalf of him 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 Singh Vs. Kumar Sanjay and another].

7. Having regard to the submissions made by the learned counsel for the petitioner along with the above decision, the petition in H.M.O.P.No.639 of 2016 and H.M.O.P.No.751 of 2016 are ordered to be withdrawn from the file of the Family Court, Madurai and transferred to the file of the Principal Family Court, Chennai. The Family Court, Madurai, is directed to transmit all the records pertaining to H.M.O.P.No.639 of 2016 and H.M.O.P.No.751 of 2016 to the file of the Principal Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order.

8. Accordingly, these Transfer Civil Miscellaneous petitions are ordered. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

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To

1.The Judge,
The Family Court
Madurai

2.The Judge,
The Family Court,
Chennai

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SS(21/7/2017)

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