

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2017

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.819 of 2016
and
C.M.P.No.20420 of 2016

D.Siresha ... Petitioner

Vs.

B.Vijayabaskar ... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw M.O.P.No.85 of 2016 from the file of the Family Court, Puducherry and transfer to the file of the Family Court, Chengalpattu, to be tried jointly along with FCMC.No.22 of 2016.

For Petitioner : Mr.R.Munuswamy

For Respondent : No appearance

O R D E R

This petition is filed to withdraw M.O.P.No.85 of 2016 from the file of the Family Court, Puducherry and transfer to the file of the Family Court, Chengalpattu, to be tried along with FCMC.No.22 of 2016 pending on its file.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 12.10.2014 as per Hindu rites and customs. Due to difference of opinion, the petitioner and respondent are living separately. The respondent filed M.O.P.No.85 of 2016 for divorce, before the file of the Family Court, Puducherry. The petitioner has also filed FCMC.No.22 of 2016 for maintenance on the file of the Family Court, Chengalpattu.

3. According to the petitioner, she is residing at Chengalpattu along with her parents. She is continuing her studies. The distance between Chengalpattu and Puducherry is more than 200 kilometres and hence, it is very difficult for her to travel from Chengalpattu to Puducherry to attend each and every hearing. She has no independent income and she is depending on her parents for her day-to-day life, including travelling expenses. Therefore, she prays for transfer of

M.O.P.No.85 of 2016 from the file of the Family Court, Puducherry to the file of the Family Court, Chengalpattu to be tried along with FCMC.No.22 of 2016, pending on its file.

4. 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 decisions, the petition in M.O.P.No.85 of 2016 is ordered to be withdrawn from the file of the Family Court, Puducherry and transferred to the file of the Family Court, Chengalpattu and to be tried along with FCMC.No.22 of 2016. The Family Court, Puducherry, is directed to transmit all the records pertaining to M.O.P.No.85 of 2016 to the file of the Family Court, Chengalpattu, 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/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1.The Family Court,
Puducherry.

2.The Family Court,
Chengalpattu.

+lcc to M/s.R.Munuswamy, Advocate sr.42961

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rk(co)
ss(12/7/2017)