

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.No.825 of 2016
and C.M.P.No.20465 of 2016

K.Lavanya

... Petitioner

Vs.

B.Sambath

... Respondent

Petition filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the I.D.O.P.No.4194 of 2016 on the file of the I Additional Family Court, Chennai to the file of the Family Court, Thiruvallur.

For Petitioner : Mr.T.Ravi

For Respondent : No appearance

ORDER

The petitioner is the wife and the respondent is the husband. The marriage between them was conducted on 10.02.2014 at Maduravoyal, Chennai, as per Hindu Rites and Customs, and a male child was born in the wedlock. From the date of birth, the child is suffering from heart ailment and a surgery was also done at MIOT Hospital, Chennai. The doctors advised that the petitioner and the child are weak. On hearing the same, the respondent's family refused to take the petitioner and the child to the matrimonial home. The respondent has filed a petition in IDOP No.4194 of 2016 on the file of the I Additional Family Court, Chennai for divorce, on the ground of cruelty.

2. According to the petitioner, she is residing at Thiruvallur with her parents and she finds it very difficult to travel from Thiruvallur to Chennai for each and every hearing. She further states that she is not having any independent source of income for her livelihood and she depends on her aged parents.

3.Though notice has been served on the respondent, there is no representation for the respondent either in person or through counsel.

4.In a case of matrimonial dispute, the convenience of the wife has to be given importance. Considering the facts and circumstances of the case, especially the fact the petitioner is having a young child, the petition in IDOP No.4194 of 2016 on the file of the I Additional Family Court, Chennai is withdrawn and the same is transferred to the file of the Family Court, Thiruvallur. The learned Judge of the Family Court, Thiruvallur is directed to dispose of the case in IDOP No.4194 of 2016 as expeditiously as possible.

5.The Transfer CMP is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

KM

To

1.The I Additional Family Court Judge,
Chennai.

2.The Family Court Judge,
Thiruvallur.

+1cc to Mr.T.Ravi, Advocate Sr.23918

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