

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.829 of 2016
and
C.M.P.No.20494 of 2016

Bhovanaashwari. T ... Petitioner
Vs.
M.Kathiravan ... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.97 of 2015 from the file of the Sub Court, Arokkonam and transfer to the file of the Sub Court, Salem.

For Petitioner : Mr. A.Suresh Sakthi Murugan

For Respondent : Mr.C.Chockalingam

O R D E R

This petition is filed to withdraw H.M.O.P.No.97 of 2015 from the file of the Sub Court, Arokkonam and transfer to the file of the Sub Court, Salem.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 03.02.2013 as per Hindu rites and customs. In the wedlock, a child was born to them. Due to difference of opinion, the petitioner and respondent are living separately. The respondent filed H.M.O.P.No.97 of 2015 for divorce, before the file of the Sub Court, Arokkonam.

3. According to the petitioner, she is residing at Salem with her parents along with her minor child. The distance between Salem and Arokkonam is more than 500 kilometres and hence, it is very difficult for her to travel from Salem to Arokkonam to attend the hearing along with her minor child. Moreover, 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 H.M.O.P.No.97 of 2015 from the file of the Sub Court, Arokkonam to the file of the Sub Court, Salem.

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

5. 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].

6. Having regard to the submissions made by the learned counsel for the petitioner along with the above decisions, the petition in H.M.O.P.No.97 of 2015 is ordered to be withdrawn from the file of the from the file of the Sub Court, Arokkonam and transferred to the file of the Sub Court, Salem. The Presiding Officer, Sub Court, Arokkonam, is directed to transmit all the records pertaining to H.M.O.P.No.97 of 2015 to the file of the Sub Court, Salem, 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

gv

To

1. The Sub Court,
Arokkonam

2. The Sub Court,
Salem.

+1cc to Mr.A.Suresh Sakthi Murugan, Advocate Sr. 42571

Tr.C.M.P. No.829 of 2016
and
C.M.P.No.20494 of 2016

RK(CO)
VR(10/07/2017)