

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2017

CORAM :

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.833 of 2016

V.Vinodha

... Petitioner

Vs.

A.Thivagharan

.... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw M.O.P.No.332 of 2015 pending before the Family Court, Puducherry and to transfer the same to Principal Subordinate Court, Cuddalore.

For Petitioner : Mr.V.Balamurugane

O R D E R

This petition is filed to withdraw the proceedings in M.O.P.No.332 of 2015 pending on the file of Family Court, Puducherry and to transfer the same to Principal Subordinate Court, Cuddalore.

2. The petitioner is the wife and respondent is the husband. According to the petitioner, her marriage with the respondent is a registered marriage and it was performed forcibly without her consent. Hence, the petitioner had filed a petition in H.M.O.P.No.32 of 2015 on the file of Principal Subordinate Court, Cuddalore, to dissolve the alleged registered marriage. The respondent filed a petition in M.O.P. No.332 of 2015 on the file of Family Court, Pondicherry, for restitution of conjugal rights.

3. According to the petitioner, she is residing along with her parents at Cuddalore, and she finds it difficult to travel alone from Cuddalore to Pondicherry. She was continuously harassed by the respondent during her visit to Pondicherry to attend the Court proceedings. In these circumstances, the petitioner has come out with the present transfer petition praying to transfer the petition in

M.O.P.No.332 of 2015 pending on the file of Family Court, Puducherry to the file of Principal Subordinate Court, Cuddalore.

4. Heard the learned counsel for the petitioner.

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. Taking into consideration the above facts and convenience of both parties and to avoid conflicting decisions, both H.M.O.P.No.32 of 2015 pending on the file of the Principal Sub Court, Cuddalore and M.O.P. No. 332 of 2015 pending on the file of the Family Court, Pondicherry are to be tried together in the same Court, for joint trial. The Family Court, Pondicherry is directed to transmit all the records pertaining to M.O.P.No.332 of 2015 to the file of Principal Subordinate Court, Cuddalore, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the records, the Principal Subordinate Court, Cuddalore, is directed to dispose of the case at the earliest.

7. Accordingly, this Transfer Civil Miscellaneous petition is ordered. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

ds/dh
To

1.The Family Court Judge,
Puducherry.

2 The Principal Subordinate Judge,
Cuddalore.

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br[co]
srg 10/07/2017