

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.1023 of 2017

and C.M.P.No.20857 of 2017

Vaijayanthi

... Petitioner

Vs.

S.Kumaran

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.18 of 2017 pending on the file of the Subordinate Court, Kanchipuram and transfer the same to the file of the Subordinate Court, Tiruvannamalai.

For Petitioner : Mr.B.Jawahar

For Respondent : M/s.J.Franklin
M/s.E.Gomathi

ORDER

This petition is filed to withdraw H.M.O.P.No.18 of 2017 pending on the file of the Subordinate Court, Kanchipuram and transfer the same to the file of the Subordinate Court, Tiruvannamalai.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 05.06.2015 at Malligai Mangalyam Mahal in Abdullahpuram Village. In the wedlock a male child was born. According to the petitioner, the respondent treated her with cruelty and has pressurized her to get more dowry. When she could not get more dowry from her parents, she along with minor son were thrown out from the matrimonial home by the respondent. The petitioner is living along with her minor son in Tiruvannamalai District.

3.Mean while, the respondent has filed H.M.O.P.No.18 of 2017 on the file of the Subordinate Court, Kanchipuram for divorce. The petitioner is residing at Tiruvannamalai. The

distance between Kanchipuram and Tiruvannamalai is around 200 kms. It is very difficult for her to take more than one bus to go to Kanchipuram to attend the Court proceedings along with minor child. In the circumstances, the petitioner has filed this Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.18 of 2017 from the file of the Subordinate Court, Kanchipuram to the file of the Subordinate Court, Tiruvannamalai.

4.Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.

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]. Further as per the provisions of the Hindu Marriage Act, the place of the residence of the wife must be taken into account.

6.Having regard to the submissions made by the learned counsel for the petitioner and the decisions of the Hon'ble Apex Court referred to above, the residence of the petitioner at Tiruvannamalai, the petition in H.M.O.P.No.18 of 2017 is ordered to be withdrawn from the file of the Subordinate Court, Kanchipuram and transferred to the file of the Subordinate Court, Tiruvannamalai. The learned Subordinate Judge, Kanchipuram, is directed to transmit all the records pertaining to H.M.O.P.No.18 of 2017 to the file of the Subordinate Court, Tiruvannamalai within a period of two weeks from the date of receipt of a copy of this order.

7.Accordingly, this Transfer Civil Miscellaneous Petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

सत्यमेव जयते Assistant Registrar (CS-VIII)

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Sub Assistant Registrar

gsa

To

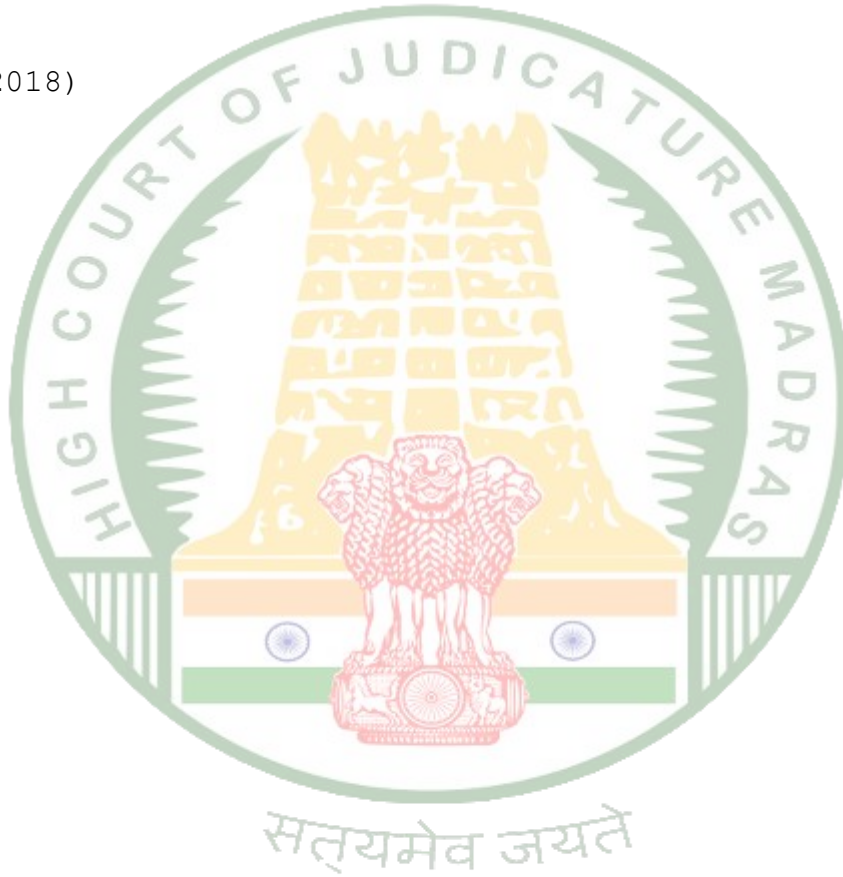
1.The Subordinate Judge,
Tiruvannamalai.

2.The Subordinate Judge,
Kanchipuram.

+1cc to Mr.B.JAWAHAR, Advocate, S.R.No. 27011

Tr.C.M.P. No.1023 of 2017
and C.M.P.No.20857 of 2017

RSY(CO)
TR(14/05/2018)



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