

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.1069 of 2017
and C.M.P.No.22125 of 2017

Sunitha ... Petitioner

Vs.

G.Kousalya Raman ... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw S.M.O.P.No.1 of 2016 pending on the file of Principal District Court, Madurai and transfer the same to the file of Family Court, Salem to be tried along with M.C.No.52 of 2017 pending on its file.

For Petitioner : Mr.R.Babu

For Respondent : No appearance

O R D E R

This petition is filed to withdraw S.M.O.P.No.1 of 2016 pending on the file of Principal District Court, Madurai and transfer the same to the file of Family Court, Salem to be tried along with M.C.No.52 of 2017 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 06.11.2002 under the Special Marriage Act. In the wedlock, a female child was born on 20.02.2004. The respondent tortured the petitioner and thrown her out from the matrimonial home. While so, the respondent filed S.M.O.P.No.67 of 2011 on the file of Principal District Court, Dindigul and subsequently he withdraw the said S.M.O.P.No.67 of 2011. Again, the respondent filed S.M.O.P.No.1 of 2016 on the file of Principal District Court, Madurai, for divorce. The petitioner filed M.C.No.52 of 2017 before the Family Court, Salem against the respondent for maintenance.

3. According to the petitioner, she is residing along with her minor child at Salem. The distance between Salem and Madurai is more than 250 kilometers and hence, it is very difficult for her to travel such a long distance to attend each and every hearing of the Court proceedings at Madurai. In the circumstances, the petitioner has come out with the present Transfer Civil Miscellaneous Petition to transfer S.M.O.P.No.1 of 2016 pending on the file of Principal District Court, Madurai, to the file of Family Court, Salem, to be tried along with M.C.No.52 of 2017 pending on its file.

4. Heard the learned counsel for the petitioner and perused the materials available on record. Though notice has been served on the respondent and his name is printed in the cause list, there is no representation on behalf of him either in person or through counsel.

5. Considering the above contention of the learned counsel for the petitioner and well settled judicial pronouncement of 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], the convenience of the wife must be given preference in the matrimonial proceedings.

6. Accordingly, the Transfer Civil Miscellaneous Petition is ordered. The petition in S.M.O.P.No.1 of 2016 is ordered to be withdrawn from the file of Principal District Court, Madurai and transferred to the file of Family Court, Salem, to be tried along with M.C.No.52 of 2017 filed by the petitioner in order to avoid multiplicity of proceedings. The learned Principal District Judge, Madurai, is directed to transmit all the records pertaining to S.M.O.P.No.1 of 2016 to the file of Family Court, Salem, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

LPP/gsa

To

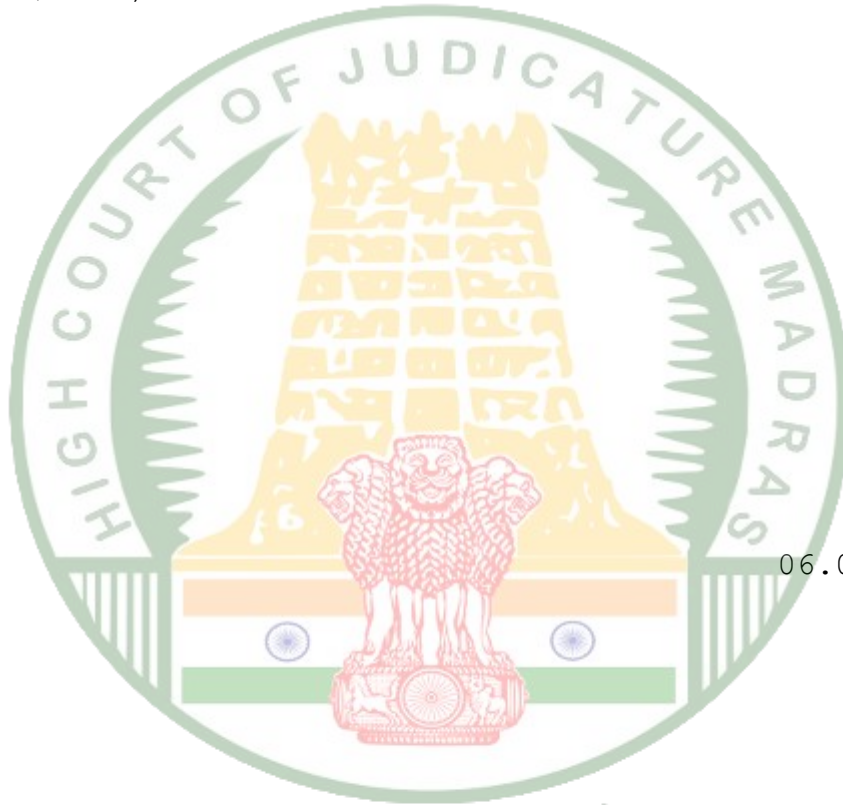
1.The Principal District Judge, Madurai

2.The Judge, Family Court, Salem.

+1 cc to Mr.B.KUMARASAMY Advocate SR.NO.43937

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AR(CS-VII)
ASK(06/08/2018)



06.07.2018

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