IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.04.2018
CORAM :
THE HONOURABLE MS. JUSTICE V.M.VELUMANI
Tr.C.M.P. No.1074 of 2017
and C.M.P.No.22206 of 2017

L.Amala ... Petitioner

Vs.

A.Ganesh ... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.598 of 2017 pending on the file of the Subordinate Court, Poonamallee, Chennai and transfer the same to any other Family Court at Chennai.

For Petitioner : Mr.G.Dhayashankar

For Respondent : No Appearance

O R D E R

This petition is filed to withdraw H.M.O.P.No.598 of 2017 pending on the file of the Subordinate Court, Poonamallee, Chennai and transfer the same to any other Family Court at Chennai.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 24.03.2017 at Devi Karumari Amman Koil, Pattalam, Chennai-123 as per Hindu rites and customs and the said marriage was a love marriage. After the marriage, both the petitioner and respondent were living together in the matrimonial home at No.29A, Dobikana, Pattalam, Chennai-600 012. In the wedlock, a female baby was born on 25.10.2017 at Government Baby Hospital, Egmore, Chennai. After the birth of the child, the respondent went to his parents house and did not come back to the matrimonial home. While so, the petitioner received a notice in H.M.O.P.No.598 of 2017 filed by the respondent for divorce on the file of the Subordinate Court, Poonamallee, Chennai for hearing on 30.11.2017.

3.According to the petitioner, both the petitioner and respondent are residing at Chennai and the distance between Chennai and Poonamallee is more than 30 kms and it is very difficult for her to travel along with her minor child. The respondent is also residing only at Anna Nagar and he has also

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stated his address as "No.24/16, Round Building, Anna Nagar West Extension, Chennai 600 101" in the petition filed in H.M.O.P.No.598 of 2017. Hence, only with an intention to harass the petitioner, he has filed the petition in H.M.O.P.No.598 of 2017 on the file of the Subordinate Court, Poonamallee, Thiruvallur District.

6.Heard the learned counsel for the petitioner and perused the materials available on record. Though the respondent entered appearance through counsel, there is no representation for him.

7.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].

8.From the records, it is seen that both the petitioner and respondent are residing only at Chennai. 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 petition in H.M.O.P.No.598 of 2017 is ordered to be withdrawn from the file of the Subordinate Court, Poonamallee, Tiruvallur District and transferred to the file of the I Additional Family Court,Chennai. The learned Subordinate Judge, Poonamallee, Tiruvallur District is directed to transmit all the records pertaining to H.M.O.P.No.598 of 2017 to the file of the I Additional Family Court Judge, Chennai, within a period of two weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

gsa

To

1.The Subordinate Judge,
Poonamallee, Tiruvallur District.

2.The Judge,
I Additional Family Court Judge,
Chennai.

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+1 cc to Mr.G.Dhayashankar Advocate sr 24957

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