

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.186 of 2017

and C.M.P.No.3447 of 2017

P.Shobana

... Petitioner/Respondent

Vs.

R.Giriprasath

... Respondent/Petitioner

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.210 of 2016 pending on the file of the Principal Subordinate Court, Cuddalore and transfer the same to the file of the Family Court, Trichy.

For Petitioner : Mr.M.Santhanaraman

For Respondent : Mr.D.Ravichander

O R D E R

This petition is filed to withdraw H.M.O.P.No.210 of 2016 pending on the file of the Principal Subordinate Court, Cuddalore and transfer the same to the file of the Family Court, Trichy.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 28.03.2014 as per Hindu rites and customs. After marriage, the respondent and in-laws started ill-treating the petitioner and she was not allowed to stay in the matrimonial home at Cuddalore. Therefore, she left her matrimonial home. The respondent filed H.M.O.P.No.210 of 2016 on the file of the Principal Subordinate Court, Cuddalore, for divorce making false allegations.

3. According to the petitioner, she is residing at Samayapuram in Trichy. The distance between Trichy and Cuddalore is more than 250 kilometers and hence, it is difficult for her to attend the Court proceedings at Cuddalore. Further, she has no one to accompany her to go to Cuddalore. In the circumstances, the petitioner has come out with the present Tr.C.M.P. for transfer of H.M.O.P.No.210 of 2016 from the file of the Principal Subordinate Court, Cuddalore, to the file of the Family Court, Trichy.

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].

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and the decisions of the Hon'ble Apex Court referred to above, the petition in H.M.O.P.No.210 of 2016 is ordered to be withdrawn from the file of the Principal Subordinate Court, Cuddalore and transferred to the file of the Family Court, Trichy. The learned Principal Subordinate Judge, Cuddalore, is directed to transmit all the records pertaining to H.M.O.P.No.210 of 2016 to the file of the Family Court, Trichy, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the records, the learned Judge, Family Court, Trichy, is directed to dispose of the case, as expeditiously as possible, in any event not later than four months 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/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Subordinate Judge
Cuddalore.

2.The Family Judge, Trichy.

+1cc to Mr.M.Santhanaraman, Advocate SR.No.25146

+1cc to Mr.D.Ravi Chander, Advocate SR.No.25240

PVS (CO)

sm:18.4.2018

Tr.C.M.P. No.186 of 2017
and C.M.P.No.3447 of 2017