

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.251 of 2017

and C.M.P.No.4556 of 2017

K.Lalitha

... Petitioner

Vs.

R.Karthikeyan

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw F.C.O.P.No.40 of 2016 pending on the file of the Family Court, Villupuram and transfer the same to the file of the Family Court, Pondicherry.

For Petitioner : Mr.S.Satish

For Respondent : No appearance

O R D E R

This petition is filed to withdraw F.C.O.P.No.40 of 2016 pending on the file of the Family Court, Villupuram and transfer the same to the file of the Family Court, Pondicherry.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 23.03.2008. A male child was born in the wed-lock and he is aged about 8 years. Due to difference of opinion, both the petitioner and respondent are living separately. The respondent filed F.C.O.P.No.40 of 2016 on the file of the Family Court, Villupuram against the petitioner.

3.According to the petitioner, she is a house wife and she is not having any independent income. She is depending on her friends and relatives for her day-to-day expenses including traveling expenses to attend each and every hearing of Court proceedings and expenses of the minor child. Her son is studying in the school at Pondicherry. In the circumstances, she has filed the present Transfer Civil Miscellaneous Petition to transfer F.C.O.P.No.40 of 2016 pending on the file of the Family

Court, Villupuram to the Family Court at Pondicherry.

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

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and the decisions of the Hon'ble Apex Court referred to above, the petition in F.C.O.P.No.40 of 2016 is ordered to be withdrawn from the file of the Family Court, Villupuram and transferred to the file of the Family Court, Pondicherry. The learned Family Court Judge, Villupuram, is directed to transmit all the records pertaining to F.C.O.P.No.40 of 2016 to the file of the Family Court, Pondicherry, 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/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

gsa

To

1.The Family Court Judge,
Villupuram.

2.The Family Court Judge, Pondicherry.

+1cc to Mr.S.SATHISH, Advocate, S.R.No. 24461

Tr.C.M.P. No.251 of 2017
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KS (CO)
TR(17/04/2018)