

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.310 of 2017

and C.M.P.No.5858 of 2017

S.Shanthi alias Malarvizhi ... Petitioner

Vs.

P.Arunkumar ... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw F.C.O.P.No.167 of 2016 pending on the file of the Family Court, Chengalpattu and transfer the same to the file of the Subordinate Court, Cheyyar, Thiruvannamalai District.

For Petitioner : Mr.John Kennady
for Mr.J.James

For Respondent : M/s.R.Archana
for Mr.V.Subramanian

O R D E R

This petition is filed to withdraw F.C.O.P.No.167 of 2016 pending on the file of the Family Court, Chengalpattu and transfer the same to the file of the Subordinate Court, Cheyyar, Thiruvannamalai District.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 08.06.2015 as per Hindu rites and customs at Shakthi Mahal, New Kanchipuram Road, Cheyyar Town, Thiruvannamalai District. After marriage, both the petitioner and respondent were residing at Maraimalai Nagar, Chengalpattu District in the matrimonial home. The respondent demanded dowry and thrown the petitioner out from the matrimonial home. The petitioner is residing now at Cheyyar along with her parents. While so, she received a notice from the Family Court, Chengalpattu in F.C.O.P.No.167 of 2016 filed by the respondent for divorce on the ground of cruelty, making false allegations against the petitioner. On receiving the notice, on 07.01.2016, the petitioner appeared before the

Family Court, Chengalpattu. When the F.C.O.P was posted for mediation in Family Court, Chengalpattu, she appeared before the Mediation Centre for more than six months and respondent remained adamant in accusing her and refused to take her back to the matrimonial home. In the circumstances, she has filed the present Transfer Civil Miscellaneous Petition to transfer F.C.O.P.No.167 of 2016 pending on the file of the Family Court, Chengalpattu to the Subordinate Court at Cheyyar.

3. According to the petitioner, she is unemployed and depending on her parents for her day-to-day expenses. The distance between Cheyyar and Chengalpattu is more than 60 Kms. It will take around 2 to 3 hours to go to Chengalpattu. Hence, it is very difficult for her as well as her aged parents to accompany her to travel from Cheyyar to Chengalpattu for each and every hearing as there is no direct bus facility.

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 decisions of the Hon'ble Apex Court referred to above, the petition in F.C.O.P.No.167 of 2016 is ordered to be withdrawn from the file of the Family Court, Chengalpattu and transferred to the file of the Subordinate Court, Cheyyar. The learned Family Judge, Chengalpattu, is directed to transmit all the records pertaining to F.C.O.P.No.167 of 2016 to the file of the Subordinate Court, Cheyyar, 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-III)

//True Copy//

Sub Assistant Registrar

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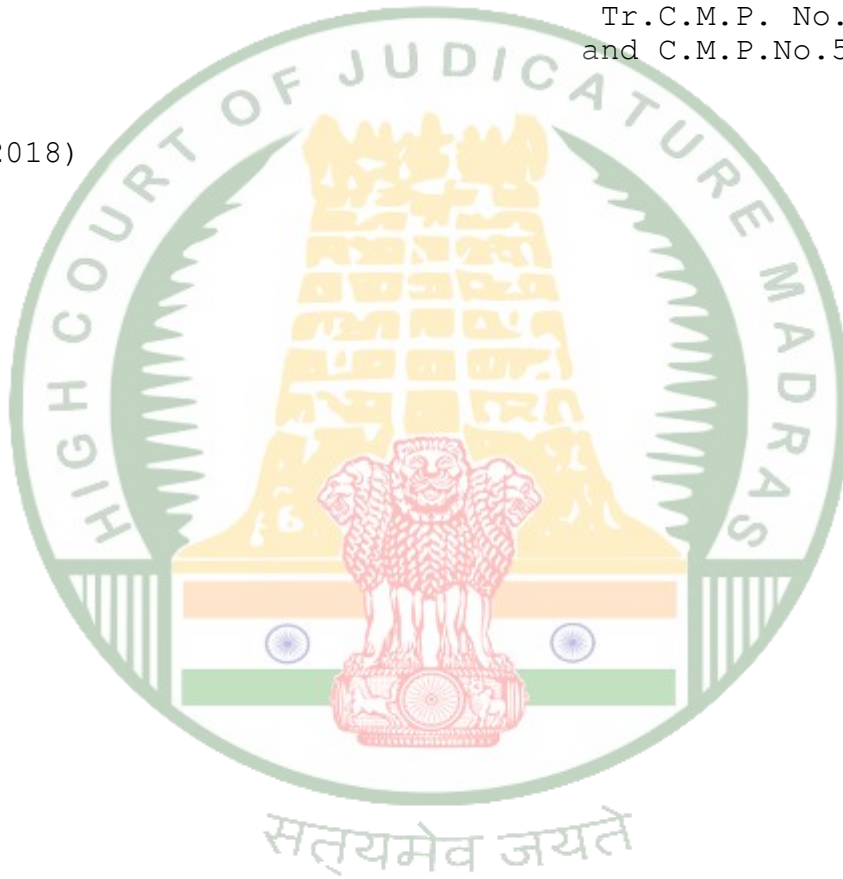
1.The Family Judge,
Chengalpattu.

2.The Subordinate Judge,
Cheyyar,
Thiruvannamalai District.

+1cc to Mr.V.SUBRAMANIAN, Advocate, S.R.No. 24814

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SVI (CO)
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