

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.434 of 2017

and C.M.P.No.8923 of 2017

Renuka Devi

... Petitioner

Vs.

Govindarasu

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.37 of 2017 pending on the file of the Subordinate Court, Kallakurichi and transfer the same to the file of the Subordinate Court, Krishnagiri.

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondent : No appearance

O R D E R

This petition is filed to withdraw H.M.O.P.No.37 of 2017 pending on the file of the Subordinate Court, Kallakurichi and transfer the same to the file of the Subordinate Court, Krishnagiri.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 30.01.2012 as per Hindu rites and customs. After marriage, both the petitioner and respondent were living in the matrimonial home at Villupuram. The respondent and his family members harassed the petitioner by demanding dowry and thrown her out from the matrimonial home. The respondent filed H.M.O.P.No.37 of 2017 on the file of the Subordinate Court, Kallakurichi, for divorce against the petitioner making false allegations.

3.According to the petitioner, she is residing at Krishnagiri. She is suffering from paralytic attack and taking physiotherapy treatment and the Doctor advised her not to

travel. Hence, it is very difficult for her to travel from Krishnagiri to Kallakurichi to attend the Court proceedings. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer H.M.O.P.No.37 of 2017 pending on the file of the Subordinate Court, Kallakurichi, to the file of the Subordinate Court, Krishnagiri.

4.Heard the learned counsel for the petitioner and perused the materials available on record. Notice sent to the respondent through Court was returned with an endorsement as 'refused'. This Court directed the Registry to print the name of the respondent in the cause list. Though the name of the respondent 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. Further, as per the provisions of the Hindu Marriage Act, place of residence of wife must be taken into account.

6.Accordingly, the Transfer Civil Miscellaneous Petition is ordered. The petition in H.M.O.P.No.37 of 2017 is ordered to be withdrawn from the file of the Subordinate Court, Kallakurichi and transferred to the file of the Subordinate Court, Krishnagiri. The learned Subordinate Judge, Kallakurichi, is directed to transmit all the records pertaining to H.M.O.P.No.37 of 2017 to the file of the Subordinate Court, Krishnagiri, 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.

सत्यमेव जयते Sd/-

Assistant Registrar (CS-VIII)

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Sub Assistant Registrar

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To

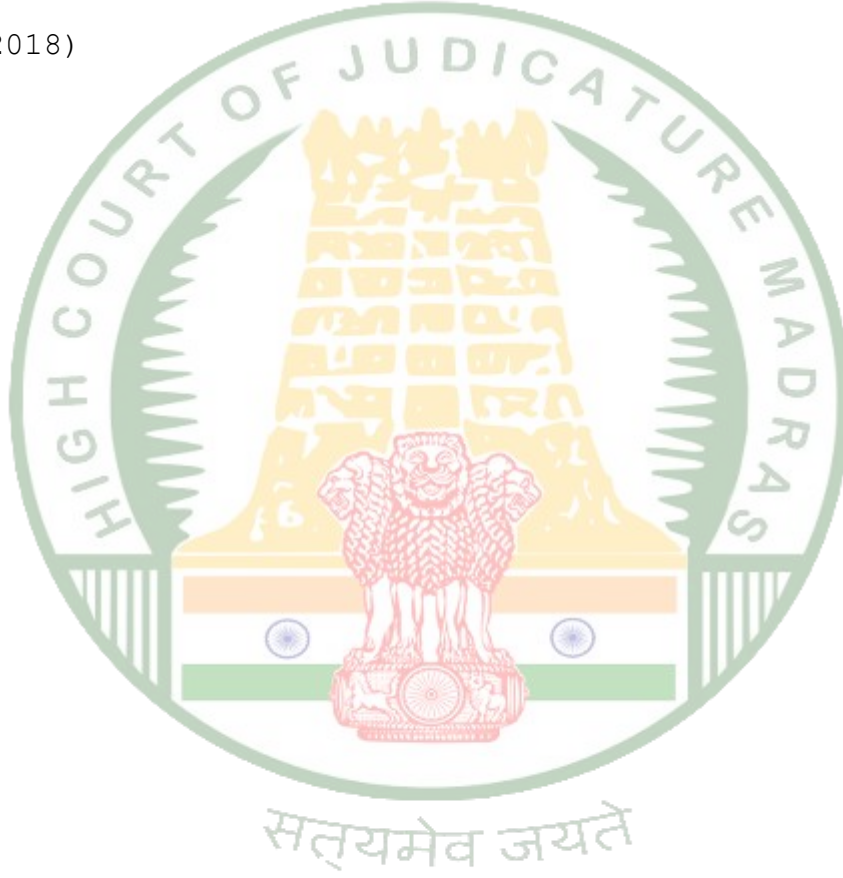
1.The Subordinate Judge, Krishnagiri.

2.The Subordinate Judge, Kallakurichi.

+1cc to Mr.N.A.NISSAR AHAMED, Advocate, S.R.No.29521

Tr.C.M.P. No.434 of 2017
and C.M.P.No.8923 of 2017

GJ(CO)
TR(09/05/2018)



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