

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.488 of 2017
and C.M.P.No.10082 of 2017

Saranya David ... Petitioner

Vs.

Alfred Egbert David ... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw I.D.O.P.No.24 of 2017 pending on the file of the Family Court, Trichy and transfer the same to the file of the Family Court, Chennai.

For Petitioner : M/s.Parimala Devi
For Respondent : No Appearance

O R D E R

This petition is filed to withdraw I.D.O.P.No.24 of 2017 pending on the file of the Family Court, Trichy and transfer the same to the file of the Family Court, Chennai.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 16.12.2005 at Vincent Hall, Thiruchirapalli-1 as per Christian Rites and Customs. This is the second marriage for the petitioner. Out of the first marriage, the petitioner has got two children. After the marriage, both the petitioner and respondent were living together in the matrimonial home at Bangalore and subsequently Chennai for some time and thereafter shifted to Hyderabad. Due to the dispute between the petitioner and respondent, during the 1st week of March 2017, the petitioner was thrown out from the matrimonial home and respondent refused to take her to the matrimonial home. Now according to the petitioner, she is residing at Velacherry, Chennai - 42 along with her sister. The respondent is threatening the petitioner through his friends, including pastors, demanding the petitioner to sign for divorce. In the circumstances, she has filed I.D.O.P.No.24 of 2017 for restitution of conjugal rights on the file of the Family Court, Trichy.

3.According to the petitioner, she is now residing in Chennai along with her sister. It is very difficult for her to

travel from Chennai to Trichy to attend the Court proceedings. In the circumstances, she has come out with the present Transfer Civil Miscellaneous Petition for transfer of I.D.O.P.No.24 of 2017 from the file of the Family Court, Trichy to the file of the Family Court, Chennai.

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

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. From the materials available on record, it is seen that the petitioner is residing at Velachery, Chennai and respondent is residing at Secunderabad. In the circumstances, in the interest of justice, it will be convenient for both the parties if the I.D.O.P.No.24 of 2017 is transferred to the file of the Family Court, Chennai.

7. 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 and the residence of the petitioner is at Chennai, the petition in I.D.O.P.No.24 of 2017 is ordered to be withdrawn from the file of the Family Court, Trichy and transferred to the file of the Family Court, Chennai. The learned Family Court Judge, Trichy, is directed to transmit all the records pertaining to I.D.O.P.No.24 of 2017 to the file of the Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order.

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

s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

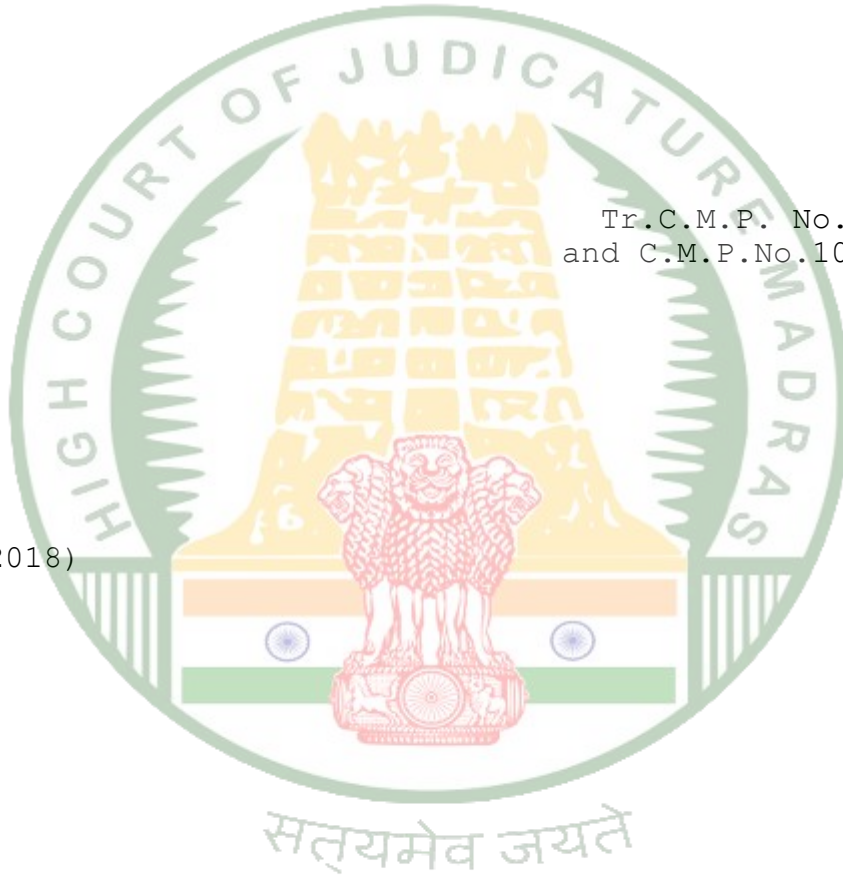
1.The Family Court Judge,
Trichy.

2.The Family Court Judge,
Chennai.

+1 CC to Mr.A. Rajeswari Karthikeyan, Advocate sr 26084.

Tr.C.M.P. No.488 of 2017
and C.M.P.No.10082 of 2017

MR (CO)
SP (08/05/2018)



WEB COPY