

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.496 of 2017
and C.M.P.No.10165 of 2017

S.Vaishnavi

... Petitioner

Versus

Suresh Kumar

... Respondent

Prayer : Petition has been filed under Section 24 of the Civil Procedure Code praying to pass an order to withdraw the H.M.O.P.No.786 of 2016 on the file of the Sub Court at Tambaram and transfer the same to the Sub Court, Kumbakonam.

For Petitioner : Mr.M.Subash

O R D E R

This petition is filed to withdraw H.M.O.P.No.786 of 2016 from the file of the Sub Court, Tambaram and transfer the same to the file of the Sub Court, Kumbakonam.

2. The petitioner is the wife and respondent is the husband. The petitioner/wife seeking transfer of the H.M.O.P.No.786 of 2016 from Sub Court, Tambaram to Sub Court, Kumbakonam. In paragraph No.5 of the affidavit filed in support of the petition it is stated that it will be difficult for the petitioner to travel 320 km to Tambaram for attending each hearing. Today, there is no representation on behalf of the respondent. Though notice has been served and he has not appeared through counsel. There is no representation even on the last occasion i.e, on 02.03.2018.

3. Heard the learned counsel for the petitioner.

4. 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].

5. Having regard to the submissions made by the learned counsel for the petitioner along with the above decision, the petition in H.M.O.P.No.786 of 2016 is ordered to be withdrawn from the file of the Sub-Court, Tambaram and transferred to the file of the Sub-Court, Kumbakonam. The Subordinate Court, Tambaram, is directed to transmit all the records pertaining to H.M.O.P.No.786 of 2016 to the file of the Sub-Court, Kumbakonam, within a period of two weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Sub Court, Tambaram.
2. The Sub Court, Kumbakonam.

+lcc to Mr.M.Subash, Advocate in sr.no.17274 (12.04.18)

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CS/02/04/18

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