

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.517 of 2017
and C.M.P.No.10672 of 2017

P.Sudha

... Petitioner

Vs.

N.Prabhuram

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.344 of 2015 pending on the file of the Family Court, Trichy and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mr.N.K.Nithila Vani

For Respondent : No appearance

O R D E R

This petition is filed to withdraw H.M.O.P.No.344 of 2015 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 conducted on 01.09.2003 at Govindhasamy Govindhammal Thirumanamandapam, Nagore as per Hindu rites and customs. A male child was born in the wedlock. The petitioner and respondent lived together for 7 years at Sri Rangan. After that they came to Chennai, where the respondent deserted the petitioner and minor child. While so, the petitioner received a summon in H.M.O.P.No.344 of 2015 on the file of the Family Court, Trichy.

3.According to the petitioner, she is working in Chennai and staying with her parents. In order to meet out the expenses for her son's education and day-to-day expenses, she has joined a job at Chennai. Knowing fully well that the petitioner is residing in Chennai and working here, the respondent has filed the present H.M.O.P.No.344 of 2015 on the file of the Family Court, Trichy. In the circumstances, she has filed the present Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.344 of 2015 pending on the file of the Family Court, Trichy to the Family Court at Chennai.

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 is 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 H.M.O.P.No.344 of 2015 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 H.M.O.P.No.344 of 2015 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.

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

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

gsa

To

1.The Family Court Judge,
Trichy.

2.The Family Court Judge,
Chennai.

+ 1 cc to Mr. V. Ashok Kumar, Advocate SR.25720

Tr.C.M.P. No.517 of 2017
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SVI (CO)
EU (25/04/2018)