

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.714 of 2017
and C.M.P.No.14527 of 2017

K.Lakshmi Petitioner/Respondent

Vs.

A.Srikanth @ Srisivakandhan Respondent/Petitioner

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.58 of 2017 pending on the file of the Principal Subordinate Court, Tindivanam and transfer the same to the file of the Subordinate Court, Hosur, Krishnagiri District, to try along with H.M.O.P.No.115 of 2017 pending on its file.

For Petitioner : Mr.N.Anand

For Respondent : No appearance

O R D E R

This petition is filed to withdraw H.M.O.P.No.58 of 2017 pending on the file of the Principal Subordinate Court, Tindivanam and transfer the same to the file of the Subordinate Court, Hosur, Krishnagiri District, to try along with H.M.O.P.No.115 of 2017 pending on its file.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 03.02.2017 as per Hindu rites and customs at Sri Padma Mahal Thirumana Mandapam, Vellimedupettai, Tindivanam Taluk. From the date of marriage, the respondent and his family members ill-treated the petitioner and she was driven out from the matrimonial home on 12.03.2017. The family members of the petitioner have taken steps for reunion with the respondent. In the meanwhile, the respondent filed H.M.O.P.No.58 of 2017 on the

file of the Principal Subordinate Court, Tindivanam under Section 12(1)(c) of the Hindu Marriage Act, to annul the marriage by making false allegations against the petitioner. The petitioner filed H.M.O.P.No.115 of 2017 on the file of the Subordinate Court, Hosur, Krishnagiri District, under Section 9 of the Hindu Marriage Act, for restitution of conjugal rights.

3. According to the petitioner, she is residing at Hosur Taluk, Krishnagiri District, along with her aged parents. The distance between Tindivanam and Hosur is about 300 kilometers. Since the parents of the petitioner are aged persons, they are unable to accompany the petitioner to travel from Hosur to Tindivanam to attend the proceedings in H.M.O.P.No.58 of 2017 filed by the respondent. Further, it is very difficult for her to meet the expenses for travelling as well as accommodation. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer H.M.O.P.No.58 of 2017 pending on the file of the Principal Subordinate Court, Tindivanam, to the file of the Subordinate Court, Hosur, Krishnagiri District and to try along with H.M.O.P.No.115 of 2017, which is pending on its file.

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 has been printed in the cause list, there is no representation on behalf of the respondent 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.58 of 2017 is ordered to be withdrawn from the file of the Principal Subordinate Court, Tindivanam and transferred to the file of the Subordinate Court, Hosur, Krishnagiri District and to be tried along with H.M.O.P.No.115 of 2017 filed by the petitioner in order to avoid multiplicity of proceedings and conflicting judgments being delivered by two different Courts. The learned Principal Subordinate Judge, Tindivanam, is directed to transmit all the records pertaining to H.M.O.P.No.58 of 2017 to the file of the Subordinate Court, Hosur, Krishnagiri District, 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 VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Subordinate Judge, Hosur, Krishnagiri District.

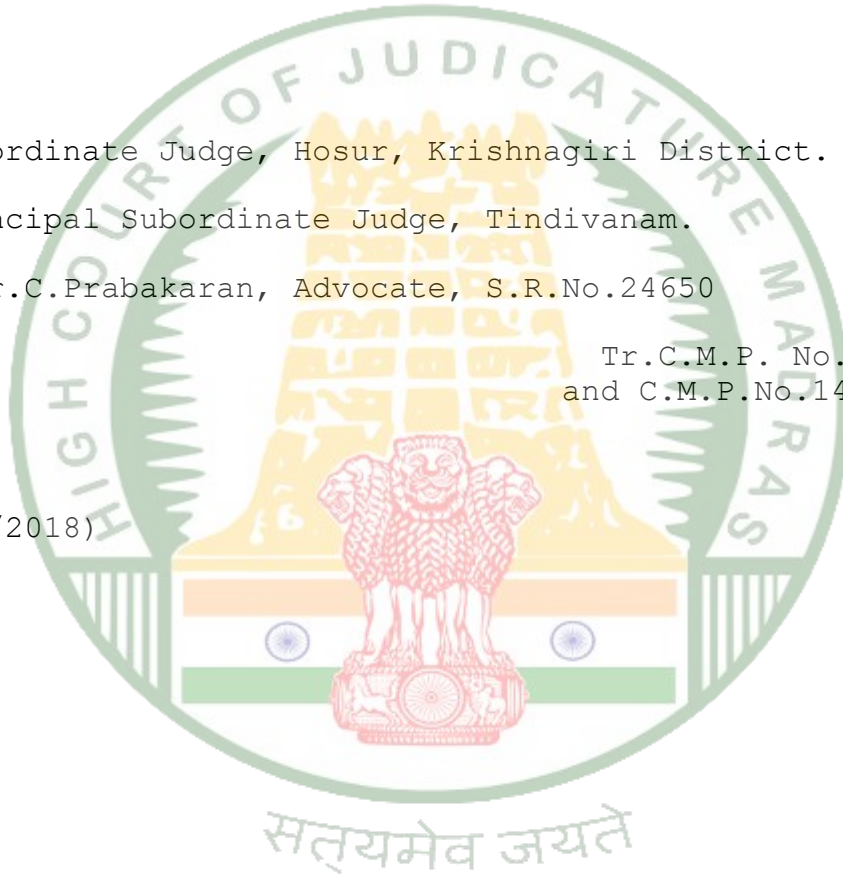
2.The Principal Subordinate Judge, Tindivanam.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.24650

Tr.C.M.P. No.714 of 2017
and C.M.P.No.14527 of 2017

SKS (CO)

RRK (25/04/2018)



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