

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.746 of 2017
and C.M.P.No.15256 of 2017

Girija ... Petitioner/Respondent

Vs.

D.Bharathi ... Respondent/Petitioner

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.18 of 2017 pending on the file of the Subordinate Judge, Villupuram and transfer the same to the file of the Principal Subordinate Court, Cuddalore.

For Petitioner : Mr.J.Alex Raj

For Respondent : No appearance

O R D E R

This petition is filed to withdraw H.M.O.P.No.18 of 2017 pending on the file of the Subordinate Court, Villupuram and transfer the same to the file of the Principal Subordinate Court, Cuddalore.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 10.11.2014 as per Hindu rites and customs, at Manalurpet, Thirukovilur Taluk. Due to difference of opinion between the petitioner and respondent, they are living separately. The respondent filed H.M.O.P.No.18 of 2017 for divorce on the file of the Subordinate Court, Villupuram.

3. According to the petitioner, she is residing at A.Vadugapalayam Village, Cuddalore Taluk. The distance between Cuddalore and Villupuram is more than 50 kilometres and hence, it is very difficult for her to travel from Cuddalore to Villupuram to attend the hearing. Further, the petitioner has no independent income. Therefore, she prays for transfer of H.M.O.P.No.18 of 2017 from the file of the Subordinate Court, Villupuram to the file of the Principal Subordinate Court, Cuddalore.

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 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and decisions of the Hon'ble Apex Court referred to above, the petition in H.M.O.P.No.18 of 2017 is ordered to be withdrawn from the file of the Subordinate Court, Villupuram and transferred to the file of the Principal Subordinate Court, Cuddalore. The learned Subordinate Judge, Villupuram, is directed to transmit all the records pertaining to H.M.O.P.No.18 of 2017 to the file of the Principal Subordinate Court, Cuddalore, 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-III)

//True Copy//

Sub Assistant Registrar

gsa/kj

To

1.The Subordinate Judge
Villupuram.

2.The Principal Subordinate Judge
Cuddalore.

3. The Section Officer, VR Section,
High Court, Madras.

+ 1 cc to Mr. J.Alex Raj, Advocate Sr.24817

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