

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.No.799 of 2017
and C.M.P.No.16213 of 2017

G.Meenakshi

.. Petitioner/Respondent

Vs.

V.Murugan

.. Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Civil Procedure Code, to withdraw H.M.O.P.No.590 of 2017 pending on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Chengalpattu.

For Petitioner : Mr.J.Arokhia Raj

For Respondent : No Appearance

O R D E R

This Transfer Civil Miscellaneous Petition has been filed to withdraw H.M.O.P.No.590 of 2017 pending on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Chengalpattu.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 08.06.2016 at Thiruvappudayar Temple, Sellur, Madurai as per Hindu Rites and Customs. After marriage, both the petitioner and respondent were living together in the matrimonial home at Ambasamutharam. Demanding more money, the respondent tortured the petitioner and thrown her out of the matrimonial home. The petitioner is residing in Nedungkundram, Chengalpattu along with her parents. The respondent filed H.M.O.P.No.590 of 2017 on the file of the Family Court, Madurai.

3.According to the petitioner, she is living along with her aged parents who are depending on her brother for the day-to-day expenses. It is very difficult for her to travel from Chengalpattu to Madurai to attend each and every hearing alone, as there is no one to accompany her, except her aged parents. She is also facing life threat by the parents of the respondent,

if she attends the Court proceedings at Madurai. In the circumstances, the petitioner filed the present Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.590 of 2017 pending on the file of the Family Court, Madurai to the file of the Family Court, Chengalpattu.

4.Heard the learned counsel for the petitioner and perused the materials available on record. Though notice is 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.Considering the above contention of the learned counsel for the petitioner and well settled judicial pronouncement of 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], the convenience of the wife must be given preference in the matrimonial proceedings. Further, as per the provisions of the Hindu Marriage Act, place of residence of wife must be taken into account.

6.Accordingly, the Transfer Civil Miscellaneous Petition is ordered. The petition in H.M.O.P.No.590 of 2017 is ordered to be withdrawn from the file of the Family Court, Madurai and transferred to the file of the Family Court, Chengalpattu. The learned Family Court Judge, Madurai, is directed to transmit all the records pertaining to H.M.O.P.No.590 of 2017 to the file of the Family Court, Chengalpattu, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

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

Sd/-

सत्यमेव जयते
Assistant Registrar(CS III)

//True copy//

Sub Assistant Registrar

gsa

To

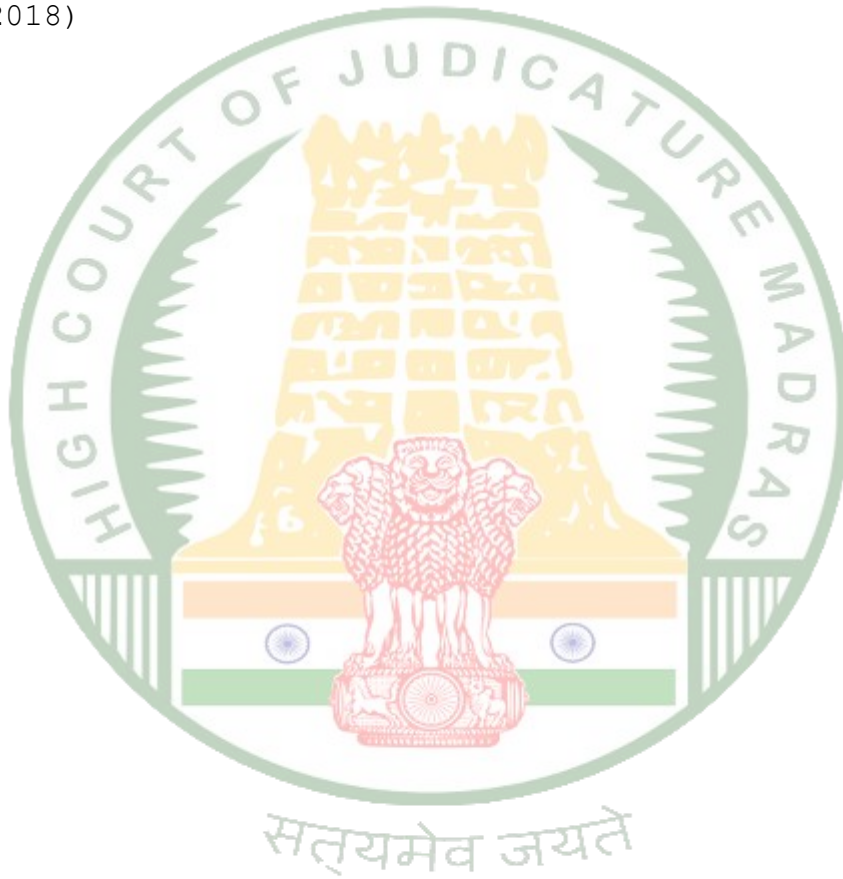
1.The Family Court Judge,
Chengalpattu.

2.The Family Court Judge,
Madurai.

+1cc to Mr.J.Arokhiaraj, Advocate SR.No.30291

Tr.C.M.P.No.799 of 2017
and C.M.P.No.16213 of 2017

AK (CO)
GN (14/06/2018)



WEB COPY