

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.845 of 2017
and C.M.P.No.17719 of 2017

Arun Vidya

.. Petitioner

Vs.

Varadharajalu Sivakumar Prabu

.. Respondent

PRAYER: Petition filed under Section 24 of Code of Civil Procedure to withdraw H.M.O.P.No.56 of 2017 pending on the file of the Principal Subordinate Court, Cuddalore and transfer the same to the Family Court, Coimbatore or any other competent Court.

For Petitioner : Mr.P.Amarnath

For Respondent : Mr.V.Balamurugane

O R D E R

This Transfer Civil Miscellaneous Petition has been filed to withdraw H.M.O.P.No.56 of 2017 pending on the file of the Principal Subordinate Court, Cuddalore and transfer the same to the Family Court, Coimbatore or any other competent Court.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 05.09.2016 at Perur Patteeswarar Kovil, Coimbatore as per Hindu Rites and Customs. After marriage, both the petitioner and respondent were living in the matrimonial house at Cuddalore only for few days. Thereafter, difference of opinion has arisen and both of them are living separately. According to the petitioner, she is residing at Coimbatore along with her mother. The respondent is working in Standard Chartered Bank in Singapore as a Senior Development Lead. He has filed H.M.O.P.No.56 of 2017 on the file of the Principal Subordinate Court, Cuddalore for divorce against the petitioner.

3.The learned counsel for the petitioner contended that the petitioner attended the first hearing and she found that it is very difficult for her to attend the Court regularly as she did

not have any relatives and friends at Cuddalore. The distance between Coimbatore and Cuddalore is 362 kms and it is very difficult for her to travel such a long distance without assistance. In the circumstances, the petitioner has come out with the present Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.56 of 2017 pending on the file of the Principal Subordinate Court, Cuddalore to the file of the Family Court, Coimbatore.

4.The learned counsel for the respondent contended that the respondent is bedridden and it is very difficult for him to travel to Coimbatore to attend all the hearing.

5.In reply, the learned counsel for the petitioner filed an additional typed set of papers containing Facebook posting of the respondent which shows that respondent is preparing to participate in 10 km Marathon run at Singapore.

6.Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.

7.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.

8.Accordingly, the Transfer Civil Miscellaneous Petition is ordered. The petition in H.M.O.P.No.56 of 2017 is ordered to be withdrawn from the file of the Principal Subordinate Court, Cuddalore and transferred to the file of the Family Court, Coimbatore. The learned Principal Subordinate Judge, Cuddalore, is directed to transmit all the records pertaining to H.M.O.P.No.56 of 2017 to the file of the Family Court, Coimbatore 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.

Sd/-

Assistant Registrar(CS IV)

//True copy//

Sub Assistant Registrar

To

1.The Family Court Judge,
Coimbatore.

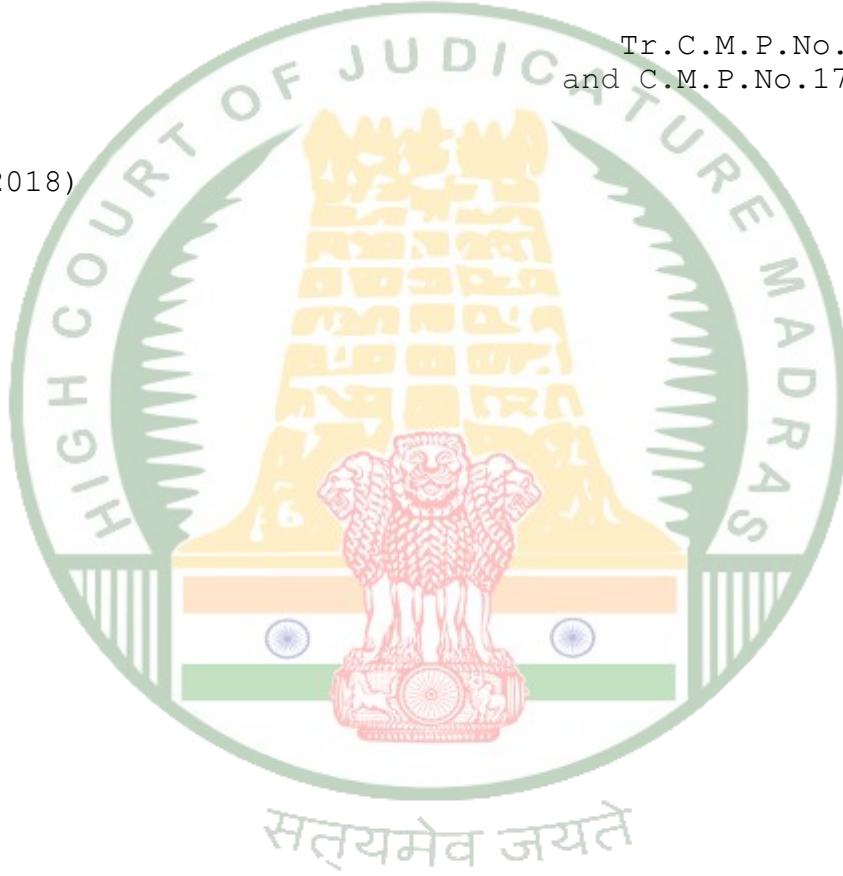
2.The Principal Sub Judge,
Cuddalore.

+lcc to Mr.P.Amarnath, Advocate SR.No.30085

+lcc to Mr.V.Balamurugane, Advocate SR.No.30174

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SVN(CO)
GN(18/06/2018)



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