

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.910 of 2017

and C.M.P.No.18439 of 2017

Iniya Karunagaran

... Petitioner

Vs.

Dr.V.Madhu Sudhan

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw I.D.O.P.No.4695 of 2016 pending on the file of the VII Additional Family Court, Chennai and transfer the same to the file of the Family Court, Coimbatore.

For Petitioner : Mr.N.Alamelu Mangai

For Respondent : No appearance

O R D E R

This petition is filed to withdraw I.D.O.P.No.4695 of 2016 pending on the file of the VII Additional Family Court, Chennai and transfer the same to the file of the Family Court, Coimbatore.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnised on 21.12.2015 as per Christian rites and customs. In the wedlock, a male child was born on 14.09.2016. After delivery, the respondent did not take back the petitioner and child to the matrimonial home. All the efforts taken by the petitioner for reunion with the respondent turned futile. To her sudden shock and surprise, the respondent filed I.D.O.P.No.4695 of 2016 on the file of the VII Additional Family Court, Chennai, for divorce against the petitioner making false allegations.

3.According to the petitioner, she is working as a Judicial Magistrate No.V in Coimbatore and is residing at Coimbatore. The respondent is working as a Senior Lecturer at Savitha Dental College, Chennai. The distance between Coimbatore and Chennai is

more than 500 kilometers and hence, it is very difficult for her to travel such a long distance to attend the Court proceedings at Chennai, along with her minor child. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer I.D.O.P.No.4695 of 2016 pending on the file of the VII Additional Family Court, Chennai, to the file of the Family Court, Coimbatore.

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 on behalf of 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.

6.Accordingly, the Transfer Civil Miscellaneous Petition is ordered. The petition in I.D.O.P.No.4695 of 2016 is ordered to be withdrawn from the file of the VII Additional Family Court, Chennai and transferred to the file of the Family Court, Coimbatore. The learned VII Additional Family Judge, Chennai, is directed to transmit all the records pertaining to I.D.O.P.No.4695 of 2016 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-V)

//True Copy//

Sub Assistant Registrar

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To

1.VII Additional Judge, Family Court, Chennai.

2.The Judge, Family Court, Coimbatore.

Tr.C.M.P. No.910 of 2017
and C.M.P.No.18439 of 2017

AD (CO)

TR(14/05/2018)