

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.915 of 2017
and C.M.P.No.18516 of 2017

K.Hamsavalli

... Petitioner

Vs.

N.M.Sathya Narayanan

... Respondent

Prayer:-

Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.360 of 2017 pending on the file of the Subordinate Court, Poonamallee and transfer the same to the file of the Subordinate Court, Kancheepuram.

For Petitioner : Mr.K.Balaji

For Respondent : No Appearance

O R D E R

This petition is filed to withdraw H.M.O.P.No.360 of 2017 pending on the file of the Subordinate Court, Poonamallee and transfer the same to the file of the Subordinate Court, Kancheepuram.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 17.09.2015 at Thirumala Thirupathi Devasthanam, at Thirupathi, Andra Pradesh. Immediately, after the marriage, both the petitioner and respondent were living together at Mugapair, Chennai along with the parents and brother of the respondent as joint family. In the wedlock, a male child was born on 24.06.2016. After delivery, the respondent and his family members did not take the petitioner to the matrimonial home. The petitioner is residing at her parents house in Kancheepuram. While so, the respondent filed H.M.O.P.No.360 of 2017 before the Subordinate Court, Poonamallee, for restitution of conjugal rights, making false allegations against the petitioner and her family members.

3. According to the petitioner, she is residing at Kancheepuram along with her aged parents. Her father is physically handicapped person. The distance between Kancheepuram and Poonamallee is more than 65 kms and it is more difficult for the petitioner to travel such a long distance along with the minor child. In the circumstances, she has come out with the present Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.360 of 2017 from the file of the Subordinate Court, Poonamallee to Subordinate Court, Kancheepuram.

4. Heard the learned counsel for the petitioner and perused the materials available on record. Though the respondent entered appearance through counsel, there is no representation for him.

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.360 of 2017 is ordered to be withdrawn from the file of the Subordinate Court, Poonamallee and transferred to the file of the Subordinate Court, Kancheepuram. The learned Subordinate Judge, Poonamallee is directed to transmit all the records pertaining to H.M.O.P.No.360 of 2017 to the file of the Subordinate Court, Kancheepuram, 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 VII)

//True Copy//

Sub Assistant Registrar

gsa

To

1. The Subordinate Judge,
Poonamallee.

2. The Subordinate Judge,
Kancheepuram.

+lcc to Mr.K.Balaji, Advocate, S.R.No.24416

Tr.C.M.P. No.915 of 2017
and C.M.P.No.18516 of 2017

VBA (CO)
CS/26/04/18



WEB COPY