

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.927 of 2017

V.Tamilselvi

... Petitioner

Vs.

R.Sivachidambaram @ Ravi ... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.22 of 2017 pending on the file of the I Additional Subordinate Court-I, Salem and transfer the same to the file of the Principal Subordinate Court, Tiruvannamalai.

For Petitioner : Mr.V.Prakash Babu

For Respondent : No appearance

O R D E R

This petition is filed to withdraw H.M.O.P.No.22 of 2017 pending on the file of the I Additional Subordinate Court, Salem and transfer the same to the file of the Principal Subordinate Court, Tiruvannamalai.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 02.02.1998 as per Hindu rites and customs. In the wed lock, a male child by name Jeevanram and a female child by name Kanishma were born and now both are aged about 17 and 15 years respectively. Due to difference of opinion between the petitioner and respondent, the petitioner and her children are living separately in Tiruvannamalai town, along with her maternal grand father. Even after several mediations, the respondent did not take back the petitioner and children to the matrimonial home. The respondent filed H.M.O.P.No.22 of 2017 on the file of the I Additional Subordinate Court, Salem, making false allegations against the petitioner for divorce. The petitioner on 20.09.2017 entered appearance before the I Additional Subordinate Court, Salem and engaged an advocate. Then the case was posted to 07.11.2017 for filing counter. On that day, the respondent along with his relatives threatened the petitioner to give divorce.

3. According to the petitioner, she is residing in Tiruvannamalai along with her children and her maternal grand father. The distance between Tiruvannamalai and Salem is more

than 150 kilometers. Hence, it is very difficult for her to travel such a long distance. Further, she has no one to accompany her to go to Salem to attend the proceedings. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer H.M.O.P.No.22 of 2017 pending on the file of the I Additional Subordinate Court, Salem, to the file of the Principal Subordinate Court, Tiruvannamalai.

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 the respondent 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 the decisions of the Hon'ble Apex Court referred to above, the petition in H.M.O.P.No.22 of 2017 is ordered to be withdrawn from the file of the I Additional Subordinate Court, Salem and transferred to the file of the Principal Subordinate Court, Tiruvannamalai. The learned I Additional Subordinate Judge, Salem, is directed to transmit all the records pertaining to H.M.O.P.No.22 of 2017 to the file of the Principal Subordinate Court, Tiruvannamalai, 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.

Sd/-

Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

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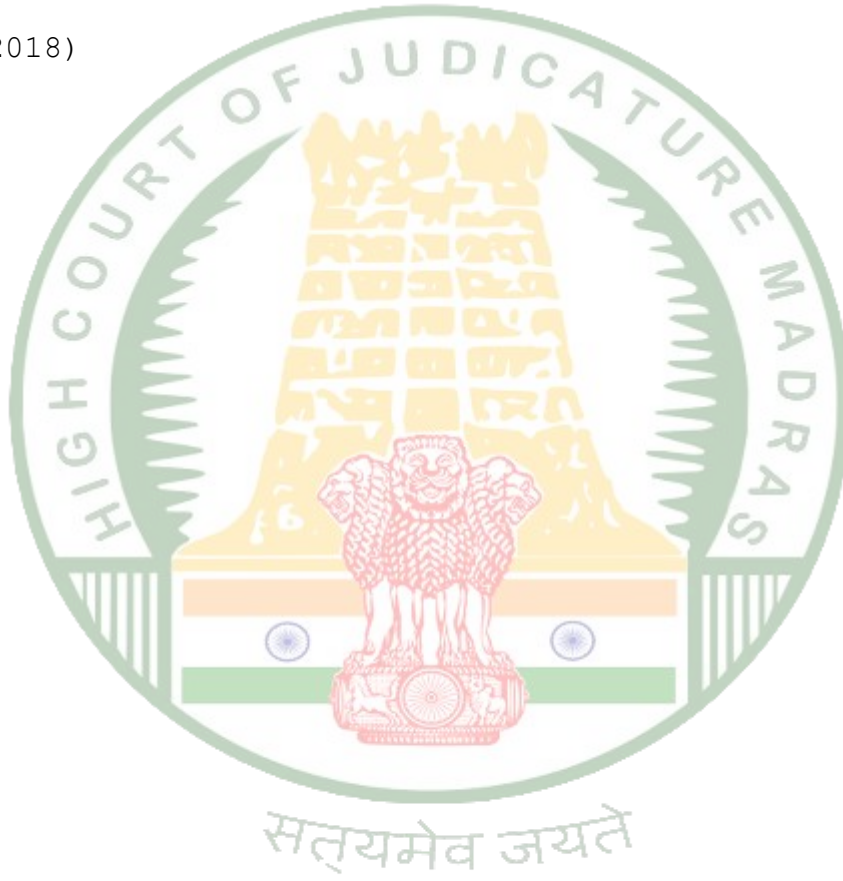
To

1.I Additional Subordinate Judge, Salem.

2.The Principal Subordinate Judge,
Tiruvannamalai.

Tr.C.M.P. No.927 of 2017

GP (CO)
EU (20/04/2018)



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