

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.969 of 2017
and C.M.P.No.19482 of 2017

U.Gayathri

... Petitioner

Vs.

M.Gopalakrishnan

... Respondent

Prayer:- Petition is filed under Section 24(1)(b)(ii) read with Section 151 of C.P.C., to withdraw F.C.O.P.No.160 of 2017 pending on the file of the Family Court, Chengalpattu and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mr.J.Thilagaraaj

For Respondent : No appearance

O R D E R

This petition is filed to withdraw F.C.O.P.No.160 of 2017 pending on the file of the Family Court, Chengalpattu and transfer the same to the file of the Family Court, Chennai.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 21.08.2016 as per Hindu rites and customs. She was subjected to cruelty and torture by the respondent, his parents and also by his sister. The respondent and her in-laws had thrown the petitioner from the matrimonial home alleging that she did not bring enough jewels and dowry. Due to assault by the respondent and his parents, the petitioner was admitted in the hospital. To cover up his atrocities, the respondent filed F.C.O.P.No.160 of 2017 on the file of the Family Court, Chengalpattu, for dissolution of marriage on the ground of cruelty against the petitioner making false allegations.

3.According to the petitioner, she is residing in Egmore. She apprehends life threat at the hands of the respondent and his parents, when she attends the Court proceedings in Chengalpattu. The respondent and his parents are very influential persons with money and muscle power and there is no

safety for her life. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer F.C.O.P.No.160 of 2017 pending on the file of the Family Court, Chengalpattu, to the file of the Family Court, Chennai.

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

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 F.C.O.P.No.160 of 2017 is ordered to be withdrawn from the file of the Family Court, Chengalpattu and transferred to the file of the Family Court, Chennai. The learned Judge, Family Court, Chengalpattu, is directed to transmit all the records pertaining to F.C.O.P.No.160 of 2017 to the file of the Family Court, Chennai, 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 II)

//True copy//

Sub Assistant Registrar

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To

- 1.The Judge, Family Court, Chengalpattu.
- 2.The Judge, Family Court, Chennai.

+2cc to Mr.J.Thilagaraj, Advocate SR.No.29034

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AD(CO)
GN(16/05/2018)