

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.994 of 2017

and C.M.P.No.20120 of 2017

S.Mahalakshmi

... Petitioner

Vs.

G.Narayanaswamy

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.121 of 2017 pending on the file of the Subordinate Court, Virudhunagar and transfer the same to the file of the Subordinate Court, Arakkonam.

For Petitioner : Mr.M.Purushothaman

For Respondent : Mr.K.P.P.Raja Raja Chozha

O R D E R

This petition is filed to withdraw H.M.O.P.No.121 of 2017 pending on the file of the Subordinate Court, Virudhunagar and transfer the same to the file of the Subordinate Court, Arakkonam.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 26.05.2016 at Ayswarya Mahal, Soolaikarai Medu, Kooraikundu Panchayat, as per Hindu rites and customs. The said marriage was registered with Sub Registrar Office at Virudhunagar on 13.06.2016. At the time of marriage, the petitioner was working in Panchayat Union Primary School, Mudhur, Arakkonam, Vellore District. Due to difference of opinion, the petitioner left the matrimonial home and is residing along with her parents at Arakkonam, Vellore District. The respondent filed H.M.O.P.No.121 of 2017 on the file of the Subordinate Court, Virudhunagar for divorce against the petitioner.

3.According to the petitioner, she is working as Junior Assistant Teacher in Panchayat Union Primary School, Mudhur, Arakkonam, Vellore District. The distance between Arakkonam and Virudhunagar is more than 650 kms and it is very difficult for

her to take leave and appear for each and every hearing before the Subordinate Court, Virudhunagar. In the circumstances, she has come out with the present Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.121 of 2017 from the file of the Subordinate Court, Virudhunagar to Subordinate Court, Arakkonam.

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

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.121 of 2017 is ordered to be withdrawn from the file of the Subordinate Court, Virudhunagar and transferred to the file of the Subordinate Court, Arakkonam. The learned Subordinate Judge, Virudhunagar is directed to transmit all the records pertaining to H.M.O.P.No.121 of 2017 to the file of the Subordinate Court, Arakkonam, within a period of two weeks from the date of receipt of a copy of this order.

8. Accordingly, this Transfer Civil Miscellaneous petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

gsa

To

1.The Subordinate Judge, Virudhunagar.

2.The Subordinate Judge, Arakkonam.

+2cc to Mr.M.PURUSHOTHAMAN Advocate, S.R.No.24404

+1cc to Mr.KPP.RAJARAJACHOZHAN, Advocate, S.R.No. 25587

Tr.C.M.P. No.994 of 2017
and C.M.P.No.20120 of 2017

KS (CO)

TR(17/04/2018)