

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.995 of 2017

and C.M.P.No.20129 of 2017

Arunakumari

... Petitioner

Vs.

Anbunesan

.... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.152 of 2017 pending on the file of the Subordinate Court, Kallakurichi and transfer the same to the file of the Subordinate Court, Virudhachalam, Cuddalore District.

For Petitioner : Mr.S.Sivasankar for  
Mr.B.Arul Mozhai Maran

For Respondent : Mr.R.Prabudoss

O R D E R

This petition is filed to withdraw H.M.O.P.No.152 of 2017 pending on the file of the Subordinate Court, Kallakurichi and transfer the same to the file of the Subordinate Court, Virudhachalam, Cuddalore District.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 02.11.2015 as per Hindu rites and customs. After marriage, both the petitioner and respondent were living in the matrimonial home at Kallakurichi. Due to difference of opinion between the petitioner and respondent, they are living separately. The respondent filed H.M.O.P.No.152 of 2017 on the file of the Subordinate Court, Kallakurichi, for divorce against the petitioner making false allegations.

3.According to the petitioner, she is residing at Thepudaiyur Village, Veppur Taluk, Cuddalore District, along with her parents. She is working as a Teacher in the Municipal School at Thepudaiyur Village, Cuddalore District and hence,

it is very difficult for her to travel such a long distance to attend the Court proceedings at Kallakurichi. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer H.M.O.P.No.152 of 2017 pending on the file of the Subordinate Court, Kallakurichi, to the file of the Subordinate Court, Vridhachalam, Cuddalore District.

4.The learned counsel for the respondent filed counter and contended that the distance between her village and the Subordinate Court, Kallakurichi, is only 25 kilometers and the distance between her village and Subordinate Court, Vridhachalam, is 15 kilometers and she has to travel only 10 kilometers more to attend the Court proceedings at Kallakurichi. Therefore, he prayed for dismissal of the transfer petition and also early disposal of H.M.O.P.

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

6.Considering the above contentions of the learned counsel for the petitioner as well as the respondent 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.

7.Accordingly, the Transfer Civil Miscellaneous Petition is ordered. The petition in H.M.O.P.No.152 of 2017 is ordered to be withdrawn from the file of the Subordinate Court, Kallakurichi and transferred to the file of the Subordinate Court, Vridhachalam, Cuddalore District. The learned Subordinate Judge, Kallakurichi, is directed to transmit all the records pertaining to H.M.O.P.No.152 of 2017 to the file of the Subordinate Court, Vridhachalam, Cuddalore District, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the records, the learned Subordinate Judge, Vridhachalam, Cuddalore District, is directed to dispose of the case, as expeditiously as possible, in any event not later than five months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

-sd/-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Subordinate Judge, Kallakurichi.

2.The Subordinate Judge, Vridhachalam, Cuddalore District.

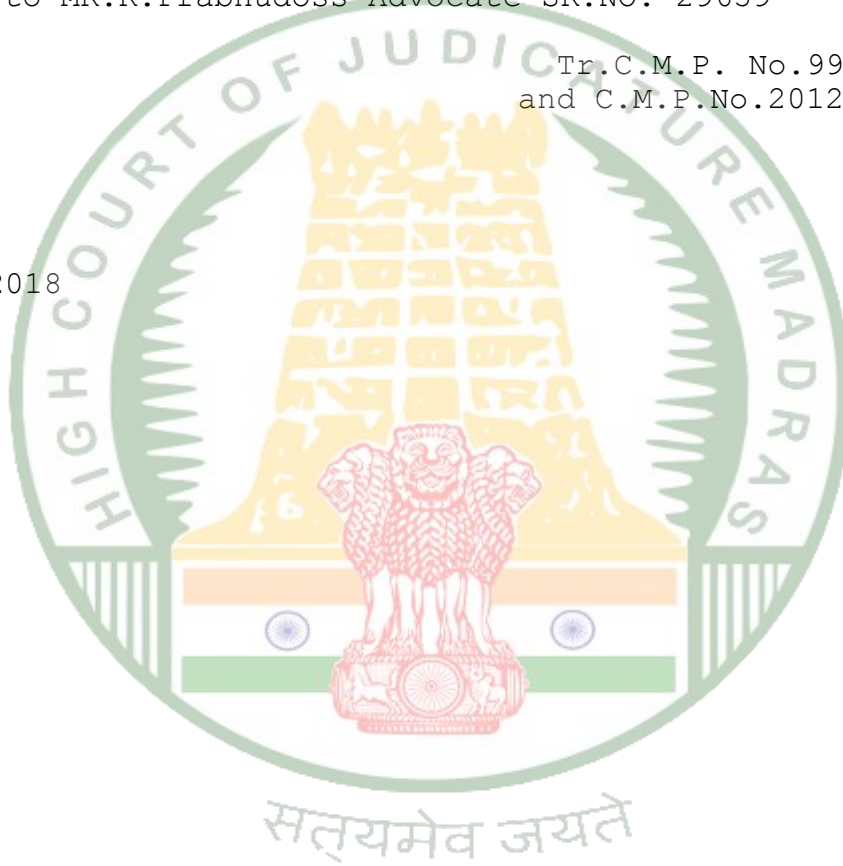
C.C. to MR.B.Arulmozhimaran Advocate SR.NO. 29397

C.C. to MR.R.Prabhudoss Advocate SR.NO. 29659

Tr.C.M.P. No.995 of 2017  
and C.M.P.No.20129 of 2017

AD (CO)

VS 11.05.2018



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