

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.No.121 of 2018
and C.M.P.No.3256 of 2018

Sheeba

.. Petitioner

Vs.

Alex Raja Ebenezer

.. Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code, to withdraw F.C.I.D.O.P.No.88 of 2017 pending on the file of the Family Court, Chengalpattu and transfer the same to the file of the Principal District Court, Tiruppur.

For Petitioner : Mr.R.Aranganathan

For Respondent : Mr.Sathish Kumar
for M/s.V.Benedict Vincent

O R D E R

This Transfer Civil Miscellaneous Petition has been filed to withdraw F.C.I.D.O.P.No.88 of 2017 pending on the file of the Family Court, Chengalpattu and transfer the same to the file of the Principal District Court, Tiruppur.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 17.08.2016 at C.S.I Immanuel Church, Vellakovil, Tiruppur District. After marriage, both the petitioner and respondent were living together in the matrimonial home at Gowriwalkam. Due to dispute between the petitioner and respondent, the petitioner left the matrimonial home and residing with her parents at Kangayam, Tiruppur District. The petitioner filed D.V.C.No.6 of 2017, claiming maintenance before Judicial Magistrate, Kangayam and the same is pending. As a counter blast, the respondent filed F.C.I.D.O.P.No.88 of 2017 on the file of the Family Court, Chengalpattu for restitution of conjugal rights.

3.According to the petitioner, she is residing along with her parents at Kangayam, Tiruppur District. The distance between the Kangayam and Chengalpattu is more than 400 kms and being a

lady, it is very difficult for her to attend each and every hearing at Chengalpattu. In the circumstances, the petitioner has come out with the present Transfer Civil Miscellaneous Petition to transfer F.C.I.D.O.P.No.88 of 2017 pending on the file of the Family Court, Chengalpattu to the file of the Principal District Court, Tiruppur.

4.The learned counsel for the respondent submitted that the petitioner is working as a teacher in Kangayam, whereas respondent is working as a Public Relation Officer in Perumbakkam and it will be difficult for him to travel to Tiruppur to attend each and every hearing and prayed for dismissal of the Transfer Civil Miscellaneous Petition.

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

6.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.

7.Accordingly, the Transfer Civil Miscellaneous Petition is ordered. The petition in F.C.I.D.O.P.No.88 of 2017 is ordered to be withdrawn from the file of the Family Court, Chengalpattu and transferred to the file of the Principal District Court, Tiruppur. The learned Family Court Judge, Chengalpattu, is directed to transmit all the records pertaining to F.C.I.D.O.P.No.88 of 2017 to the file of the Principal District Court, Tiruppur, 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 V)

//True Copy//

Sub Assistant Registrar

gsa

To

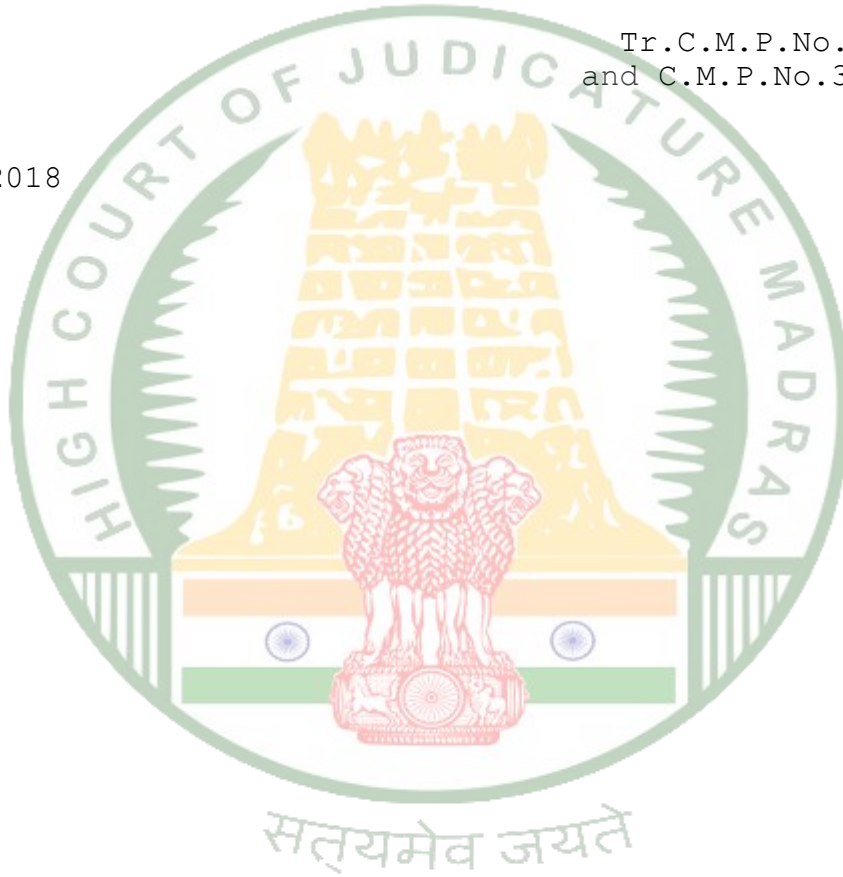
1. The Judge
The Family Court,
Chengalpattu.

2.The Principal District Judge,
Tiruppur.

+1cc Mr.R.Aranganathan, Advocate sr.no.31714

Tr.C.M.P.No.121 of 2018
and C.M.P.No.3256 of 2018

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