

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.136 of 2018
and C.M.P.No.3666 of 2018

S.Revathy

.. Petitioner

Vs.

G.Vijayakumar

.. Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code, to withdraw H.M.O.P.No.21 of 2016 pending on the file of the Family Court, Thiruvallur and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mr.K.Thenrajan

For Respondent : M/s.S.Revathi
for M/s.J.Muthukumaran

O R D E R

Transfer Civil Miscellaneous Petition has been filed to withdraw H.M.O.P.No.21 of 2016 pending on the file of the Family Court, Thiruvallur 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 wife was conducted on 01.06.2012 at Sri Vaidhika Veeraragavasamy Thirukovil at Thiruvallur as per Hindu Rites and Customs. After marriage, both the husband and wife were residing in the matrimonial home at Thiruvallur. In the wedlock two male children were born on 16.03.2014 and 19.05.2016. At the instigation of the mother and brother of the respondent, he demanded huge sum of money from the parents of the petitioner to start a new business and sent out the petitioner from matrimonial home. The respondent filed H.M.O.P.No.21 of 2016 before Family Court, Thiruvallur, making false allegations against the petitioner. The petitioner filed M.C.No.568 of 2015 before III Additional Family Court, Chennai

and the same was settled before Lok Adalat. In Lok Adalat, the respondent accepted to pay a sum of Rs.3,000/- to the petitioner and a sum of Rs.1000/- to the first son, V.Monish Mumar. The respondent was irregular in paying the maintenance and for the past six months, the respondent did not pay the maintenance.

3.According to the petitioner, her parents died long back and she is residing along with her grand father. Being a lady, it is very difficult for her to travel along with minor children to attend the Court proceedings at Thiruvallur. In the circumstances, the petitioner has filed the present Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.21 of 2016 pending on the file of the Family Court, Thiruvallur to the Family Court, Chennai.

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

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 H.M.O.P.No.21 of 2016 is ordered to be withdrawn from the file of the Family Court, Thiruvallur and transferred to the file of the Family Court, Chennai. The learned Family Court Judge, Thiruvallur, is directed to transmit all the records pertaining to H.M.O.P.No.21 of 2016 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.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gsa

To

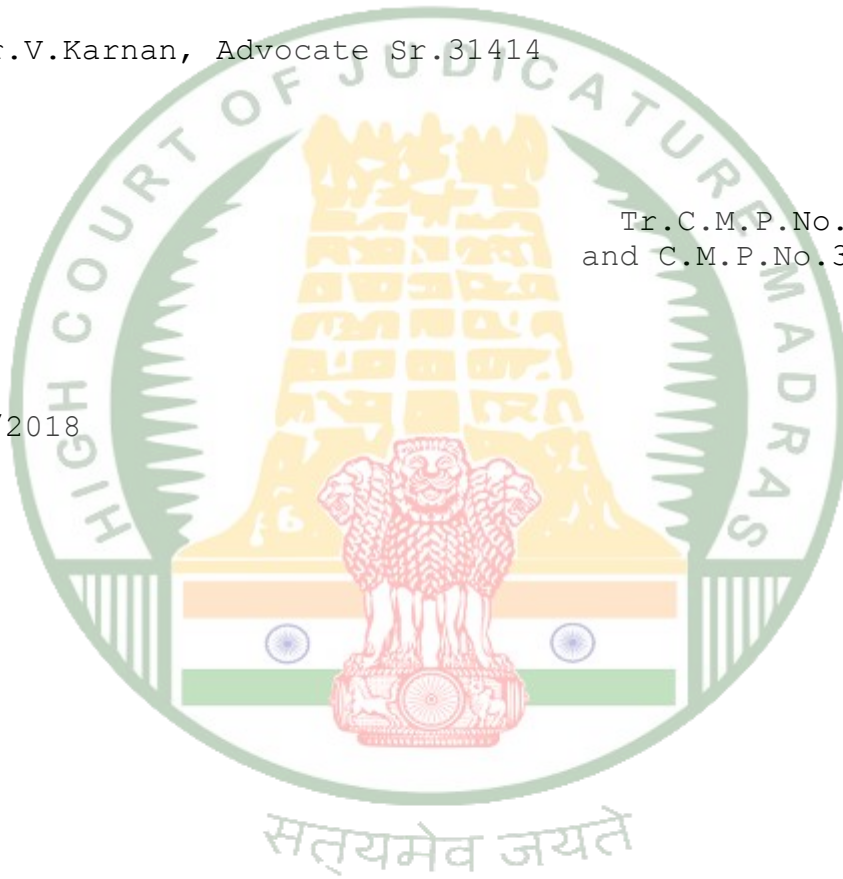
1.The Judge,
The Family Court Judge,
Chennai.

2.The Judge,
The Family Court,
Thiruvallur.

+1cc to Mr.V.Karnan, Advocate Sr.31414

Tr.C.M.P.No.136 of 2018
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rj[col]
srg 29/05/2018



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