

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.166 of 2018

and C.M.P.No.4437 of 2018

Nazaretha Jennifer

...Petitioner

Vs.

A.John Victor

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw the case in I.D.O.P.No.3423 of 2017 pending on the file of the IV Additional Family Court, Chennai, and to transfer the same to the Family Court, Villupuram.

For Petitioner : Mr.E.Sathiyaraj

For Respondent : Mr.N.Lalitha

O R D E R

This petition is filed to withdraw the case in I.D.O.P.No.3423 of 2017 pending on the file of the IV Additional Family Court, Chennai, and to transfer the same to the Family Court, Villupuram.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 09.06.2014 according to Christian rites and customs. After marriage, both the petitioner and respondent were living in the matrimonial home at Seven Wells, Chennai. At the instigation of his parents, the respondent tortured the petitioner and hence, the petitioner left the matrimonial home. The petitioner lodged a complaint before All Women Police Station, Ulundurpet and the same is pending. The respondent filed I.D.O.P.No.3423 of 2017 on the file of the IV Additional Family Court, Chennai, for divorce against the petitioner.

3. According to the petitioner, she is residing along with her parents at Kedilam, Villupuram District. The distance from her residence to Chennai is more than 200 kilometers and hence, it is very difficult for her to travel such a long distance to attend the Court proceedings along with her aged mother at Chennai. Further, she is not having any independent income and she is depending on her parents for her day-to-day expenses. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer I.D.O.P.No.3423 of 2017 pending on the file of the IV Additional Family Court, Chennai, to the file of the Family Court, Villupuram.

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

5. Considering the above contentions 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.

6. Accordingly, the Transfer Civil Miscellaneous Petition is ordered. The petition in I.D.O.P.No.3423 of 2017 is ordered to be withdrawn from the file of the IV Additional Family Court, Chennai and transferred to the file of the Family Court, Villupuram. The learned IV Additional Family Judge, Chennai, is directed to transmit all the records pertaining to I.D.O.P.No.3423 of 2017 to the file of the Family Court, Villupuram, 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 (Audit)

//True Copy//

mps

Sub Assistant Registrar

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To

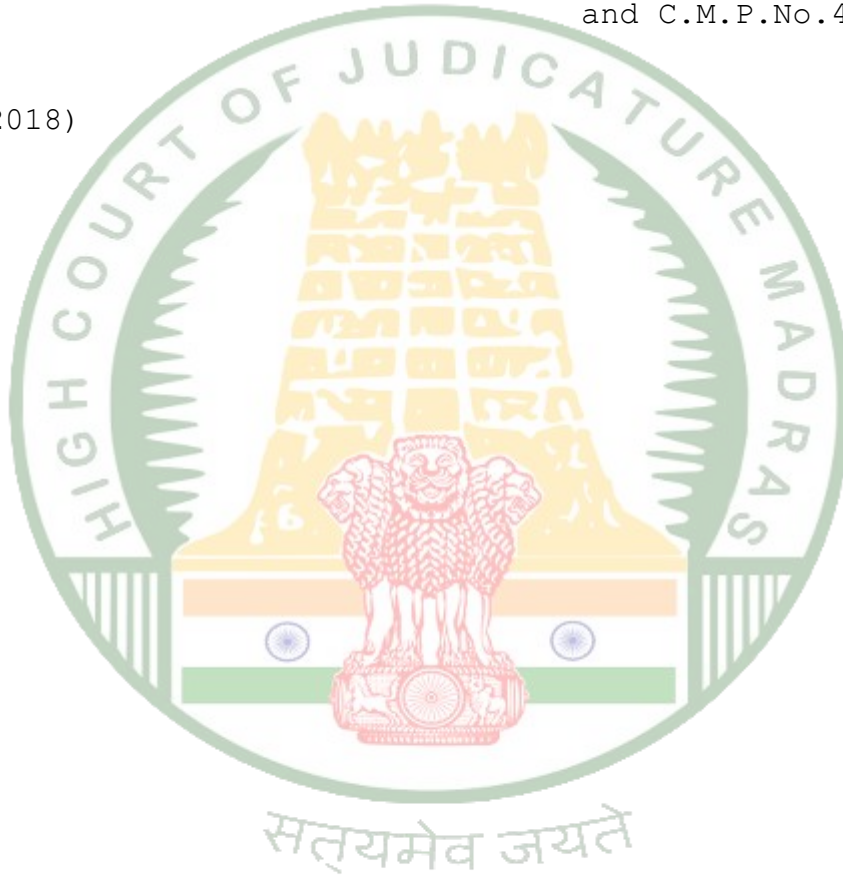
1.The Judge IV Additional Family Court,
Chennai.

2.The Judge Family Court,
Villupuram.

+1cc to Mr.E.SATHIYARAJ, Advocate, S.R.No. 30887

Tr.C.M.P. No.166 of 2018
and C.M.P.No.4437 of 2018

KAN(CO)
TR(11/05/2018)



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