

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.180 of 2018

and C.M.P.No.4837 of 2018

KKR.Soniya

... Petitioner

Vs.

K.Rakesh

... Respondent

represented by his power agent
Mrs.K.Suganthi

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.83 of 2018 pending on the file of Family Court, Madurai and transfer the same to the file of Family Court, Chennai.

For Petitioner : Mr.M.Babu Muthu Meeran

For Respondent : Mr.Devaraj Mahesh

O R D E R

This petition is filed to withdraw H.M.O.P.No.83 of 2018 pending on the file of Family Court, Madurai and transfer the same to the file of Family Court, Chennai.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 14.02.2016 as per Hindu rites and customs. After marriage, both the petitioner and respondent were living together in the matrimonial home at Adyar, Chennai. Due to torture by the respondent and his family members demanding dowry, the petitioner left the matrimonial home. The respondent went abroad and his mother filed H.M.O.P.No.83 of 2018 on the file of Family Court, Madurai, as power agent of her son/respondent, for divorce against the petitioner.

3.According to the petitioner, she is residing at Chrompet, Chennai, along with her parents and she is working in I.T. Company at Navalur, Chennai. The distance between Chennai and Madurai is more than 460 kilometers and hence, it will be very

difficult for her to travel such a long distance to attend the Court proceedings at Madurai. The respondent is also working and residing at Chennai. If H.M.O.P. is not transferred to Family Court, Chennai, it will be put to irreparable loss and hardship to her. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer H.M.O.P.No.83 of 2018 pending on the file of Family Court, Madurai, to the file of Family Court, Chennai.

4.The learned counsel for the respondent submitted that the respondent is working in abroad and his mother, who is his power agent, has to conduct the case. If H.M.O.P. is transferred to Family Court, Chennai, being a lady, it will be very difficult for her to attend the Court proceedings at Chennai for each and every hearing and prayed for dismissal of the Transfer 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 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.83 of 2018 is ordered to be withdrawn from the file of Family Court, Madurai and transferred to the file of Family Court, Chennai. The learned Judge, Family Court, Madurai, is directed to transmit all the records pertaining to H.M.O.P.No.83 of 2018 to the file of 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.

kj

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

To

1.The Judge, Family Court, Madurai.

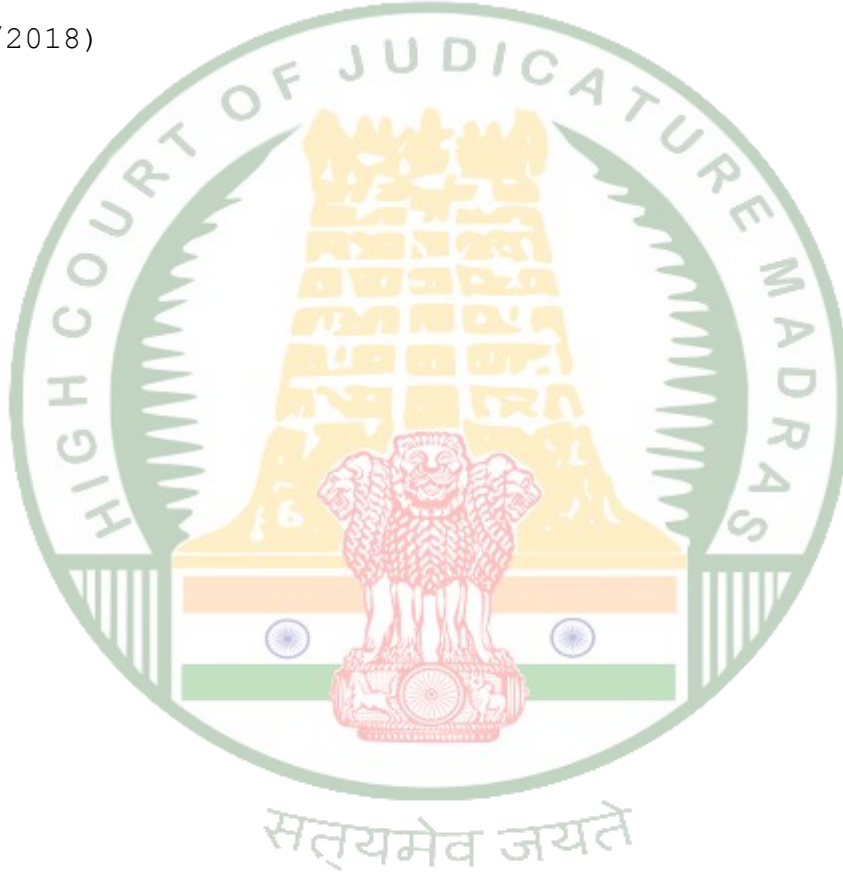
2.The Judge, Family Court, Chennai.

+1 cc to mr.Devaraj mahesh Advocate SR.NO.46806

+1 cc to Mr.M.Babu Muthu Meeran Advocate SR.NO.46028

Tr.C.M.P. No.180 of 2018
and C.M.P.No.4837 of 2018

AR (CS-V)
ASK (02/08/2018)



WEB COPY