

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI
Tr.C.M.P. No.2 of 2018
and C.M.P.No.4 of 2018

S.Sathya

... Petitioner

Vs.

G.Sanjai Gandhi

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.69 of 2015 pending on the file of Principal Sub Court, Villupuram and transfer the same to the file of Family Court, Chennai and pass such further orders as this Court may deem fit.

For Petitioner : Mr.J.Agni Selvaraju

For Respondent : No Appearance

O R D E R

This petition is filed to withdraw H.M.O.P.No.69 of 2015 pending on the file of Principal Sub Court, Villupuram and transfer the same to the file of Family Court, Chennai and pass such further orders as this Court may deem fit.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 19.10.2008 as per Hindu rites and customs. In the wedlock, two children were born on 22.08.2009 and 24.05.2011 respectively. The respondent tortured the petitioner by demanding dowry and thrown her out from the matrimonial home. While so, the respondent filed H.M.O.P.No.69 of 2015 on the file of Principal Sub Court, Villupuram for divorce.

3.According to the petitioner, she is residing at Thirukovilur, Villupuram District along with her children and aged parents. She is not having any independent

income and depending on her parents for maintaining herself and the minor children. The distance between Villupuram and Chennai is more than 170 kilometers and hence, it will be very difficult for her to travel such a long distance to attend each and every hearings. In the circumstances, the petitioner has come out with the present Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.69 of 2015 pending on the file of Principal Sub Court, Villupuram to the file of Family Court at Chennai.

4.Heard the learned counsel for the petitioner and perused the materials available on record. Though notice has been served on the respondent and his name is printed in the cause list, there is no representation for him either in person or through counsel.

5.Considering the above contention of the learned counsel for the petitioner and the 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.69 of 2015 is ordered to be withdrawn from the file of Principal Sub Court, Villupuram and transferred to the file of Family Court at Chennai. The learned Principal Subordinate Judge, Villupuram is directed to transmit all the records pertaining to H.M.O.P.No.69 of 2015 to the file of the Family Court at 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.

Gsa

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

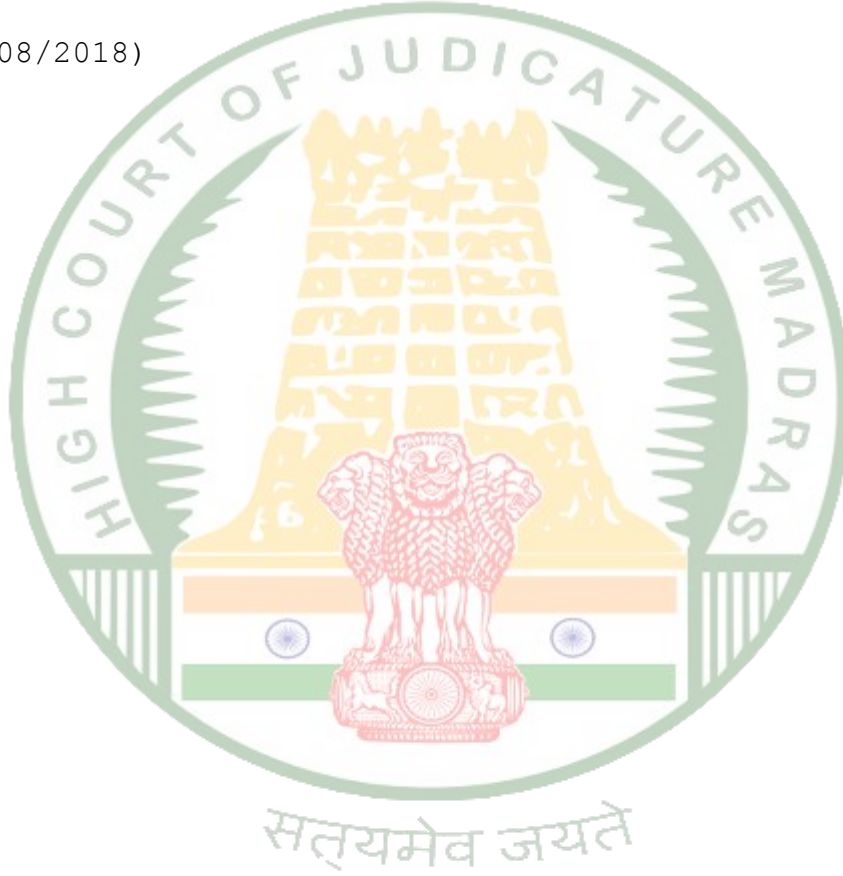
1.The Principal Subordinate Judge, Villupuram.

2.The Judge, Family Court, Chennai.

+1 cc to Mr.J.Agni Selvaraju Advocate SR.NO.48832

Tr.C.M.P. No.2 of 2018
and C.M.P.No.4 of 2018

RT (CO)
ASK(20/08/2018)



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