

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.216 of 2018
and C.M.P.No.5530 of 2018

K.Sridevi

... Petitioner

Vs.

V.Saravanan

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.20 of 2017 pending on the file of the Sub Court, Gingee and transfer the same to the file of the Sub Court, Tiruvannamalai.

For Petitioner : Mr.B.Jawahar
For Respondent : Mr.R.Karthik for Mr.S.Jeyakumar

O R D E R

This petition is filed to withdraw H.M.O.P.No.20 of 2017 pending on the file of the Sub Court, Gingee and transfer the same to the file of the Sub Court, Tiruvannamalai.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 22.04.2015 as per Hindu rites and customs. The respondent tortured the petitioner by demanding dowry and the petitioner was thrown out from the matrimonial home. The respondent filed H.M.O.P.No.20 of 2017 on the file of the Sub Court, Gingee, for divorce against the petitioner.

3.According to the petitioner, she is residing in her parents home at Tiruvannamalai. The distance between Tiruvannamalai and Gingee is nearly 50 kilometers and being a lady, it will be very difficult for her to travel such a long distance to attend the Court proceedings at Gingee. She has no independent income and is depending on her parents for her day-to-day expenses including travelling expenses. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer H.M.O.P.No.20 of 2017 pending on the file of the Sub Court, Gingee, to the file of Sub Court, Tiruvannamalai.

4.The learned counsel for the respondent submitted that there is life threat to the respondent, if he goes to Tiruvannamalai to attend the Court proceedings 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.Though the learned counsel for the respondent contended that there is life threat to the respondent, if he goes to Tiruvannamalai to attend the Court proceedings, he has not produced any document to substantiate his contention.

7.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.

8.Accordingly, the Transfer Civil Miscellaneous Petition is ordered. The petition in H.M.O.P.No.20 of 2017 is ordered to be withdrawn from the file of the Sub Court, Gingee and transferred to the file of the Sub Court, Tiruvannamalai. The learned Subordinate Judge, Gingee, is directed to transmit all the records pertaining to H.M.O.P.No.20 of 2017 to the file of the Sub Court, Tiruvannamalai, 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.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1.The Subordinate Judge, Gingee.

2.The Subordinate Judge, Tiruvannamalai.

+1 CC to Mr.S. Jayakumar, advocate sr 47230.

+1 CC to Mr.B.Jawahar, Advocate sr 48159

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SP(01/08/2018)