

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P.No.220 of 2018

and C.M.P.Nos.5597 and 5598 of 2018

B.Radha @ Sharon Rose

... Petitioner

Vs.

P.John Dinesh Kishore

... Respondent

Prayer: Petition is filed under Section 24 of C.P.C., to withdraw I.D.O.P.No.82 of 2017 pending on the file of the Family Court, Madurai and transfer the same to the file of the VI Additional Family Court, Chennai to be tried along with M.C.No.82 of 2018 pending on its file.

For Petitioner : Mr.R.Ganesh Kumar

For Respondent : Mr.V.M.Venkataramana
for M/s.Dhana Aravindha Balaji

O R D E R

This petition is filed to withdraw I.D.O.P.No.82 of 2017 pending on the file of the Family Court, Madurai and transfer the same to the file of the VI Additional Family Court, Chennai to be tried along with M.C.No.82 of 2018 pending on its file.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 08.07.2017 as per Christian Rites and Customs. The respondent tortured the petitioner and house arrested her. The parents of the petitioner rescued her and now she is residing along with her parents at Chennai. While so, the respondent filed I.D.O.P.No.82 of 2017 before the Family Court, Madurai for divorce. The petitioner filed M.C.No.82 of 2018 on the file of the VI Additional Family Court, Chennai seeking maintenance.

3.According to the petitioner, she is residing at Chennai along with her aged parents. She is not having any independent income and depending on her parents for her day-to-day expenses, including the traveling expenses. It will be very difficult for her to travel from Chennai to Madurai to attend each and every hearing. In the circumstances, she has filed the present Transfer

civil Miscellaneous Petition to transfer I.D.O.P.No.82 of 2017 from the file of the Family Court, Madurai to the file of VI Additional Family Court, Chennai to be tried along with M.C.No.82 of 2018.

4.The learned counsel for the respondent submitted that the respondent is residing at Madurai. It will be very difficult for him to travel from Madurai to Chennai to attend each and every hearing and prayed for dismissal of the Transfer Civil Miscellaneous Petition.

5.Heard the 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.

7.Accordingly, the Transfer Civil Miscellaneous Petition is ordered. The petition in I.D.O.P.No.82 of 2017 is ordered to be withdrawn from the file of the Family Court, Madurai and transferred to the file of the VI Additional Family Court, Chennai to be tried along with M.C.No.82 of 2018 filed by the petitioner. The learned Judge, Family Court, Madurai is directed to transmit all the records pertaining to I.D.O.P.No.82 of 2017 to the file of the VI Additional 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 Petitions are closed.

Sd/-

Assistant Registrar(CS VII)

// True Copy//

Sub Assistant Registrar

gsa

To

1.The Judge, Family Court, Madurai.

2.The VI Additional Judge, Family Court, Chennai.

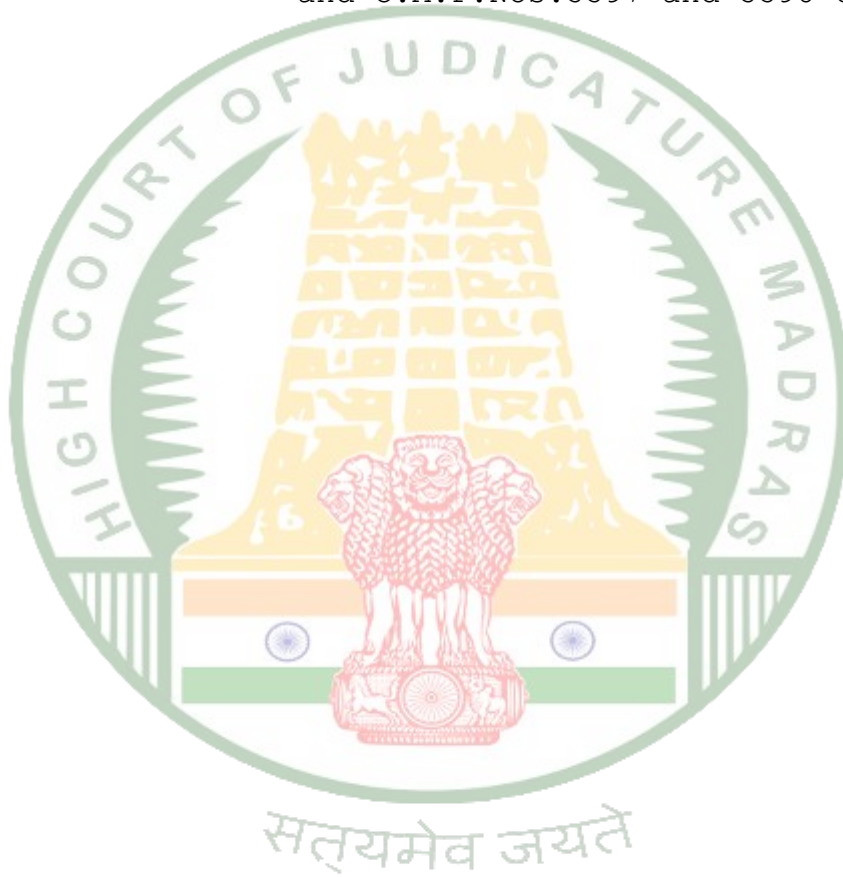
+1cc to Mr.Dhana Aravindha Balaji, Advocate Sr.No.46391

+1cc to MR.R.Ganeshkumar, Advocate Sr.No.46492

CNR(CO)

sm:6.8.2018

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