

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.227 of 2018
and C.M.P.No.5833 of 2018

S.Aruna

... Petitioner

Vs.

T.Sridhar

... Respondent

Prayer:

Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.618 of 2017 pending on the file of the Sub Court, Tambaram and transfer the same to the file of the Principal Family Court, Chennai.

For Petitioner : Mr.M.Bharathi

For Respondent : No Appearance

O R D E R

This petition is filed to withdraw H.M.O.P.No.618 of 2017 pending on the file of the Sub Court, Tambaram and transfer the same to the file of the Principal Family Court, Chennai.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 29.05.2015 as per Hindu Rites and Customs. In the wedlock, a female child was born. The respondent thrown the petitioner out from the matrimonial home, making false allegations. While so, the respondent filed H.M.O.P.No.618 of 2017 on the file of the Sub Court, Tambaram for divorce.

3.According to the petitioner, she is residing at Arumbakkam, Chennai along with minor child and aged mother. It will be very difficult for her to travel from Arumbakkam to Tambaram to attend each and every hearing leaving the minor child under the care of the aged mother. In the circumstances, the petitioner has filed the present Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.618 of 2017 from the file of the Sub Court, Tambaram to the file of Principal Family Court, Chennai.

4.Heard the counsel for the petitioner and perused the materials available on record. Though notice has been served on the respondent and he entered appearance through counsel, today there is no representation for him.

5.Considering the above contention 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. 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 The petition in H.M.O.P.No.618 of 2017 is ordered to be withdrawn from the file of the Sub Court, Tambaram and transferred to the file of the Principal Family Court, Chennai. The learned Subordinate Judge, Tambaram is directed to transmit all the records pertaining to H.M.O.P.No.618 of 2017 to the file of the Principal 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.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

gsa

To

- 1.The Subordinate Judge, Tambaram.
- 2.The Principal Judge, Family Court, Chennai.

+1cc to Mr.Karan & Uday, Advocate, S.R.No.46664

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KGK(Co)
CS/11/08/18