

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.274 of 2018
and C.M.P.No.6907 of 2018

V.Divya

.. Petitioner/Respondent

Vs.

A.Prabakaran

... Respondent/Petitioner

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.4 of 2018 pending on the file of the Sub Court, Gingee and transfer the same to the file of the Principal Sub Court, Cuddalore.

For Petitioner : Mr.M.Himavanth

O R D E R

This petition is filed to withdraw H.M.O.P.No.4 of 2018 pending on the file of the Sub Court, Gingee and transfer the same to the file of the Principal Sub Court, Cuddalore.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 27.01.2013 as per Hindu rites and customs at Dharani Thandapani Marriage Hall, Gingee. In the wedlock, a female child was born. The respondent filed H.M.O.P.No.4 of 2018 before the Sub Court, Gingee for divorce, making false and frivolous allegations against the petitioner.

3.According to the petitioner, she is now residing at Cuddalore along with her parents. She is not having any independent income. She is depending upon her parents for her day-to-day expenses. It is very difficult for her to travel alone to attend each and every Court proceedings at Gingee. The petitioner filed maintenance petition in M.C.No.9 of 2018 before the Judicial Magistrate Court, Cuddalore and the same is pending. In the circumstances, she has filed the present Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.4 of 2018 pending on the file of the Sub Court, Gingee to the file of the Principal Sub Court, Cuddalore.

4.Heard the learned counsel for the petitioner and perused the materials available on record.

5.Considering the submissions 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 The petition in H.M.O.P.No.4 of 2018 is ordered to be withdrawn from the file of the Sub Court, Gingee and transferred to the file of the Principal Sub Court, Cuddalore. The learned Sub Judge, Gingee, is directed to transmit all the records pertaining to H.M.O.P.No.4 of 2018 to the file of the Principal Sub Court, Cuddalore, 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-)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Subordinate Judge, Cuddalore

2.The Subordinate Judge, Gingee.

+cc to Mr.Vasanth, Advocate, sr.34537

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GSP (22/06/2018)

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