

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.276 of 2018
and C.M.P.No.6924 of 2018

Jayalakshmi

... Petitioner

Vs.

Venkateswaran

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw F.C.O.P.No.25 of 2018 pending on the file of the Family Court, Salem and transfer the same to the file of the Family Court, Erode.

For Petitioner : Mr.I.C.Vasudevan
For Respondent : No Appearance

O R D E R

This petition is filed to withdraw F.C.O.P.No.25 of 2018 pending on the file of the Family Court, Salem and transfer the same to the file of the Family Court, Erode.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 27.11.2015 as per Hindu rites and customs. After marriage, both the petitioner and respondent were living in the matrimonial home. Due to difference of opinion, both the petitioner and respondent are living separately. The respondent filed F.C.O.P.No.25 of 2018 on the file of the Family Court, Salem, for divorce against the petitioner.

3. According to the petitioner, she is residing along with her aged parents at Erode. She is not having any independent income. The distance between Erode and Salem is more than 60 kilometers and hence, it is very difficult for her to travel to attend the Court proceedings at Salem. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer F.C.O.P.No.25 of 2018 pending on the file of the Family Court, Salem, to the file of the Family Court, Erode.

4.Heard the learned counsel for the petitioner and perused the materials available on record. Though notice was served on

the respondent and his name is printed in the cause list, there is no representation on behalf of him either in person or through counsel.

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 F.C.O.P.No.25 of 2018 is ordered to be withdrawn from the file of the Family Court, Salem and transferred to the file of the Family Court, Erode. The learned Judge, Family Court, Salem, is directed to transmit all the records pertaining to F.C.O.P.No.25 of 2018 to the file of the Family Court, Erode, within a period of two weeks from the date of receipt of a copy of this order.

7. Accordingly, this Transfer Civil Miscellaneous petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

mps

To

1.The Judge, Family Court, Salem.

2.The Judge, Family Court, Erode.

+1cc to Mr.I.C.Vasudevan, Advocate SR.No.31073

Tr.C.M.P. No.276 of 2018
and C.M.P.No.6924 of 2018

SSV(CO)
GN(15/05/2018)