

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.No.277 of 2018
and C.M.P.No.6943 of 2018

M.Annie Shrine Precilla

.. Petitioner

Vs.

R.V.Amirtharaj Lukkas

.. Respondent

PRAYER: This petition has been filed under Section 24 C.P.C to withdraw D.O.P.No.986 of 2017 pending on the file of the Family Court, Coimbatore and transfer the same to the file of the Family Court, Vellore.

For Petitioner : Mr.G.Rajan

For Respondent : No Appearance

O R D E R

This Petition has been filed to withdraw D.O.P.No.986 of 2017 from the file of the Family Court, Coimbatore and transfer the same to the file of the Family Court, Vellore.

2.The petitioner is the wife and respondent is the husband. The marriage between petitioner and respondent was solemnized on 16.05.2017 as per Christian Rites and Customs. In the wedlock, a male child was born. The respondent tortured the petitioner and thrown her out from the matrimonial home. While so, the respondent filed D.O.P.No.986 of 2017 on the file of the Family Court, Coimbatore for divorce.

3.According to the petitioner, she is working and residing at Vellore along with the minor son. The distance between Vellore and Coimbatore is more than 350 kms and hence, it will be very difficult for her to attend each and every hearing before the Family Court at Coimbatore. In the circumstances, she has filed the present Transfer Civil Miscellaneous Petition to transfer D.O.P.No.986 of 2017 from the file of the Family Court at Coimbatore to the Family Court at Vellore.

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

5.Considering the above contention 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.

6.Accordingly, the Transfer Civil Miscellaneous Petition is ordered. The petition in D.O.P.No.986 of 2017 is ordered to be withdrawn from the file of the Family Court, Coimbatore and transferred to the file of the Family Court, Vellore. The learned Judge, Family Court, Coimbatore is directed to transmit all the records pertaining to D.O.P.No.986 of 2017 to the file of the Family Court, Vellore 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 Judge, Family Court, Coimbatore.

2.The Judge, Family Court, Vellore.

+1CC TO MR.G.RAJAN ADVOCATE SR.NO. 44821

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SPD(CO)
ASK(31/07/2018)

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