

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.291 of 2018

and C.M.P.No.7484 of 2018

M.R.Jayalakshmi ... Petitioner

Vs.

B.Shanmugasundaram ... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.118 of 2018 pending on the file of the Family Court, Puducherry and transfer the same to the file of the Sub Court, Poonamallee.

For Petitioner : Ms.A.R.Devi

For Respondent : No appearance

O R D E R

This petition is filed to withdraw H.M.O.P.No.118 of 2018 pending on the file of the Family Court, Puducherry and transfer the same to the file of the Sub Court, Poonamallee.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 25.11.1999. After marriage, both the petitioner and the respondent were living together in the matrimonial home at Puducherry. In the wedlock, a male child was born on 09.03.2005. The child is studying VII standard in a School at Chennai. Due to difference of opinion, the petitioner and respondent are living separately. While so, the respondent filed H.M.O.P.No.118 of 2018 on the file of the Family Court, Puducherry for divorce against the petitioner.

3. According to the petitioner, she is residing at Mogappair in Chennai along with minor child. The distance between Chennai and Puducherry is more than 190 kilometers and it will take four hours for her to travel such a long distance along with minor child. Hence, it will be very difficult for her to attend each and every Court proceedings at Puducherry. In the circumstances, the petitioner has come out with the present Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.118 of 2018 pending on the file of the Family Court, Puducherry to the file of the Sub Court, Poonamallee.

4. Heard the learned counsel for the petitioner and perused the materials available on record. Though notice has been served on the respondent and his name is printed in the cause list, there is no representation for the respondent 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 H.M.O.P.No.118 of 2018 is ordered to be withdrawn from the file of the Family Court, Puducherry and transferred to the file of the Sub Court, Poonamallee. The learned Judge, Family Court, Puducherry, is directed to transmit all the records pertaining to H.M.O.P.No.118 of 2018 to the file of the Sub Court, Poonamallee, 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 IV)

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Sub Assistant Registrar

LPP/gsa

To

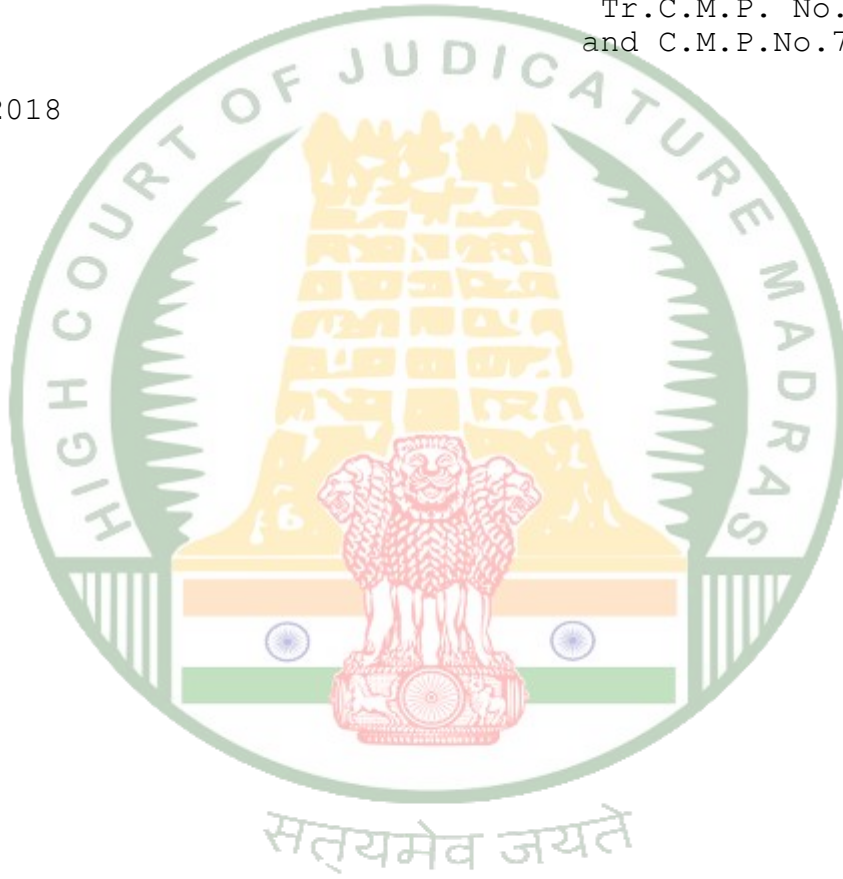
1.The Judge, Family Court, Puducherry.

2.The Subordinate Judge, Poonamallee.

+1cc to Mr.P.Sivamuruganantham, Advocate, S.R.No 36110

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BM 02/07/2018



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