

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.299 of 2018
and C.M.P.No.7597 of 2018

M.Divya Sri @ Jayachitra

... Petitioner

Vs.

R.Pazhani

.... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.118 of 2017 pending on the file of the Sub Court, Arani, Tiruvannamalai District and transfer the same to the file of the Sub Court, Ranipet, Vellore District.

For Petitioner : Mr.M.Mathchvarthan

For Respondent : Mr.Dharanikasinathan

O R D E R

This petition is filed to withdraw H.M.O.P.No.118 of 2017 pending on the file of the Sub Court, Arani, Tiruvannamalai District and transfer the same to the file of the Sub Court, Ranipet, Vellore District.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 17.06.2007 as per Hindu rites and customs. In the wedlock, three children were born. In the month of April 2017, when the petitioner went to her parental home along with her children, the respondent at the instigation of his family members, scolded her using filthy language and also threatened her not to return back to matrimonial home. On 02.07.2017, the respondent along with 20 unknown persons came to the petitioner's parents house and threatened her to give consent for divorce. Subsequently, the respondent filed H.M.O.P.No.118 of 2017 on the file of the Sub Court, Arani, Tiruvannamalai District, for divorce against the petitioner.

3.According to the petitioner, she is residing at Arcot, Vellore District, along with her parents and children. As her parents are aged persons, she has to look after her school going

children. The distance between Arcot and Arani is 30 kilometers and hence, it will be very difficult for her to attend the Court proceedings at Arani. She has no independent income to meet out her travelling expenses. Further, she has no one to accompany her to attend the Court proceedings at Arani. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer H.M.O.P.No.118 of 2017 pending on the file of the Sub Court, Arani, Tiruvannamalai District, to the file of the Sub Court, Ranipet, Vellore District.

4.The learned counsel for the respondent submitted that H.M.O.P. is pending before the Sub Court, Arani and her presence is not necessary for all the hearings and the petitioner can represent through her counsel and prayed for dismissal of the transfer petition.

5.Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.

6.Considering the above contention of the learned counsel for the petitioner as well as the respondent 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.

7.Accordingly, the Transfer Civil Miscellaneous Petition is ordered. The petition in H.M.O.P.No.118 of 2017 is ordered to be withdrawn from the file of the Sub Court, Arani, Tiruvannamalai District and transferred to the file of the Sub Court, Ranipet, Vellore District. The learned Subordinate Judge, Arani, is directed to transmit all the records pertaining to H.M.O.P.No.118 of 2017 to the file of the Sub Court, Ranipet, Vellore District, 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

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To

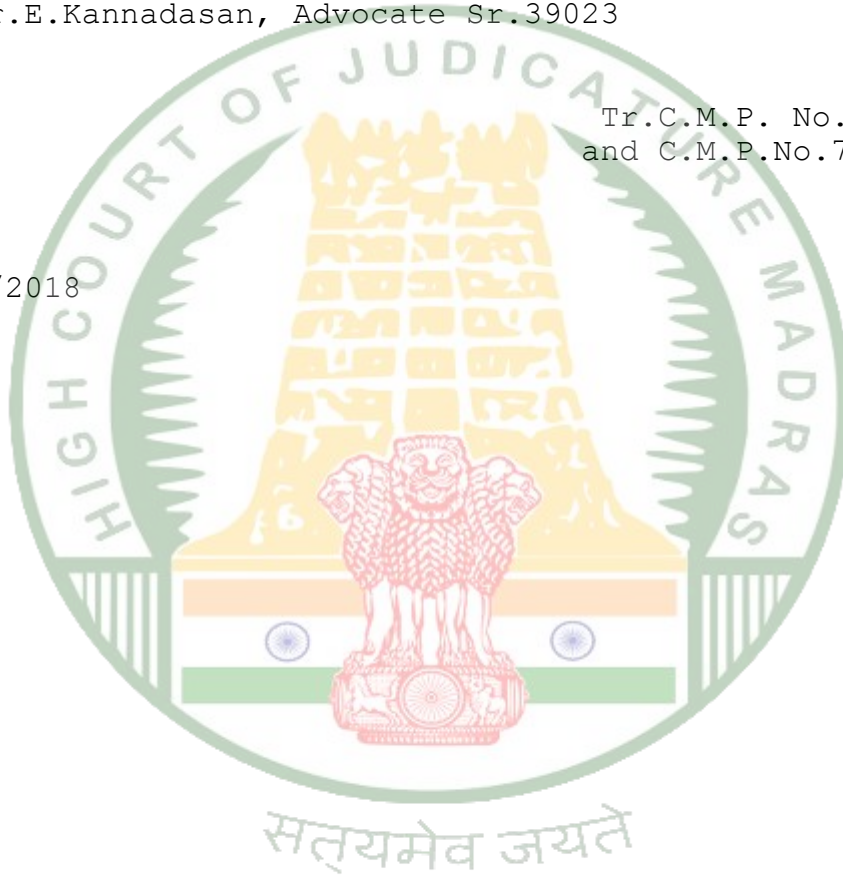
1.The Subordinate Judge,
Arani, Tiruvannamalai District.

2.The Subordinate Judge,
Ranipet, Vellore District.

+1cc to Mr.E.Kannadasan, Advocate Sr.39023

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