

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.300 of 2018

and C.M.P.No.7603 of 2018

V.Tamilselvi

... Petitioner

Vs.

S.Veeraragavan

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.23 of 2018 pending on the file of the Sub Court, Kancheepuram and transfer the same to the file of the Sub Court, Poonamallee.

For Petitioner : Mr.V.Jayaprakash

For Respondent : No appearance

O R D E R

This petition is filed to withdraw H.M.O.P.No.23 of 2018 pending on the file of the Sub Court, Kancheepuram 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 18.12.2005. After marriage, both the petitioner and the respondent were living together in the matrimonial home at Sriperumbathur, Kancheepuram District. Subsequently, both the petitioner and respondent were living at Nerkundram, Chennai, along with the parents of the petitioner. In the wedlock, two children were born, first child is studying 10th standard and the second child died on 19.10.2006. During June 2013, the respondent left the petitioner without any reason and is residing in Kancheepuram. He filed H.M.O.P.No.23 of 2018 on the file of the Sub Court, Kancheepuram, for divorce against the petitioner.

3. According to the petitioner, she is residing at Nerkundram, Chennai and her daughter is studying 10th Standard. The distance between Nerkundram and Kancheepuram is more than 100 kilometers and hence, it will be very difficult for her to travel such a long distance to attend the Court proceedings at Kancheepuram, for each and every hearing. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer H.M.O.P.No.23 of 2018 pending on the file of the Sub Court, Kancheepuram, 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 was served on the respondent and his name is printed in the cause list, there is no representation on behalf of 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.23 of 2018 is ordered to be withdrawn from the file of the Sub Court, Kancheepuram and transferred to the file of the Sub Court, Poonamallee. The learned Subordinate Judge, Kancheepuram, is directed to transmit all the records pertaining to H.M.O.P.No.23 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 (CO)

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Sub Assistant Registrar

LPP/kj

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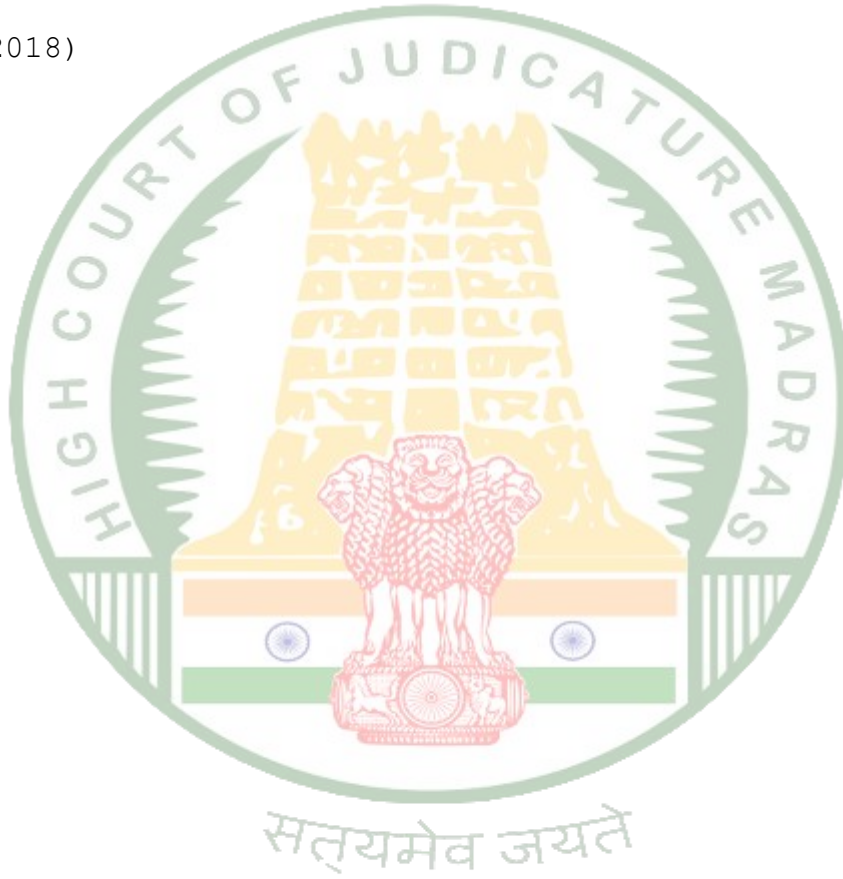
1.The Subordinate Judge, Kancheepuram.

2.The Subordinate Judge, Poonamallee.

+1cc to Mr.V.JAYAPRAKASH, Advocate, S.R.No.35620

Tr.C.M.P. No.300 of 2018
and C.M.P.No.7603 of 2018

VBA (CO)
TR(22/06/2018)



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