

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.321 of 2018
and C.M.P.No.8180 of 2018

Kanimozhi

... Petitioner

Vs.

Gnanamurthi

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.6 of 2018 pending on the file of the Principal Sub Judge, Tindivanam and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mr.Vivek Menon

For Respondent : Mr.K.Sreedhar

O R D E R

This petition is filed to withdraw H.M.O.P.No.6 of 2018 pending on the file of the Principal Sub Court, Tindivanam and transfer the same to the file of the Family Court, Chennai.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 16.09.2016 as per Hindu rites and customs. After marriage, both the petitioner and respondent were living in the matrimonial home at Thiruvanmiyur in Chennai. The respondent treated the petitioner cruelly and thrown her out from the matrimonial home. The respondent filed H.M.O.P.No.6 of 2018 on the file of the Principal Sub Court, Tindivanam, for divorce.

3.According to the petitioner, she is working as a document specialist in R.R.Donnelly and residing at Tiruvanmiyur, Chennai. The distance between Chennai and Tindivanam is more than 120 kilometers and being a lady, it is very difficult for her to go to Tindivanam to attend the Court proceedings for each and every hearing. Further, the petitioner has no one to accompany her to travel to Tindivanam to attend the Court

proceedings. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer H.M.O.P.No.6 of 2018 pending on the file of the Principal Sub Court, Tindivanam, to the file of the Family Court, Chennai.

4.The learned counsel for the respondent submitted that the respondent is doing agricultural activities in Tindivanam and it will be very difficult for him to travel from Tindivanam to Chennai to attend the Court proceedings 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.6 of 2018 is ordered to be withdrawn from the file of the Principal Sub Court, Tindivanam and transferred to the file of the Family Court, Chennai. The learned Principal Subordinate Judge, Tindivanam, is directed to transmit all the records pertaining to H.M.O.P.No.6 of 2018 to the file of the Family Court, Chennai, 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)

//True Copy//

Sub Assistant Registrar

CA(/04/2017)

To

1.The Principal Subordinate Judge, Tindivanam.

2.The Judge, Family Court, Chennai.

+1cc to M/s.Pushpa Menon, Advocate sr.no.36462

Tr.C.M.P. No.321 of 2018
and C.M.P.No.8180 of 2018

mp(co)
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