

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.07.2018
CORAM :
THE HONOURABLE MS. JUSTICE V.M.VELUMANI
Tr.C.M.P. No.33 of 2018

Santhiya

... Petitioner

Vs.

Srinivasan

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw M.O.P.No.231 of 2017 pending on the file of Family Court, Puducherry and transfer the same to the file of V Additional Family Court, Chennai, to be tried along with M.C.No.6 of 2018 pending on its file.

For Petitioner : Ms.Thenmozhi Shivaperumal

For Respondent : Mr.D.Senthilkumar

O R D E R

This petition is filed to withdraw M.O.P.No.231 of 2017 pending on the file of Family Court, Puducherry and transfer the same to the file of V Additional Family Court, Chennai, to be tried along with M.C.No.6 of 2018 pending on its file.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 19.02.2016 as per Hindu rites and customs. After marriage, both the petitioner and respondent were living together in the matrimonial home at Puducherry. Due to torture given by the respondent and his parents, the petitioner left the matrimonial home. The respondent filed M.O.P.No.231 of 2017 on the file of the Family Court, Puducherry, against the petitioner for divorce. The petitioner also filed M.C.No.6 of 2018 before V Additional Family Court, Chennai, against the respondent for maintenance.

3.According to the petitioner, she is residing at Chennai along with her parents. The distance between Chennai and Puducherry is more than 160 kilometers and it will be very difficult for her to travel such a long distance to attend the Court proceedings for each and every hearing at Family Court, Puducherry. In the circumstances, the petitioner has come out

with the present Tr.C.M.P. to transfer M.O.P.No.123 of 2017 pending on the file of Family Court, Puducherry to the file of V Additional Family Court, Chennai, to be tried along with M.C.No.6 of 2018 pending on its file.

4.The learned counsel for the respondent submitted that the respondent is residing in United States of America and he is representing the case through his father. Father of the respondent is aged person and it will be very difficult for him to travel from Puducherry to Chennai to attend the Court proceedings for each and every hearing 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.

7.6.Accordingly, the Transfer Civil Miscellaneous Petition is ordered. The petition in M.O.P.No.231 of 2017 is ordered to be withdrawn from the file of Family Court, Puducherry and transferred to the file of V Additional Family Court, Chennai, to be tried along with M.C.No.6 of 2018 filed by the petitioner in order to avoid multiplicity of proceedings. The learned Judge, Family Court, Puducherry, is directed to transmit all the records pertaining to M.O.P.No.231 of 2017 to the file of V Additional Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

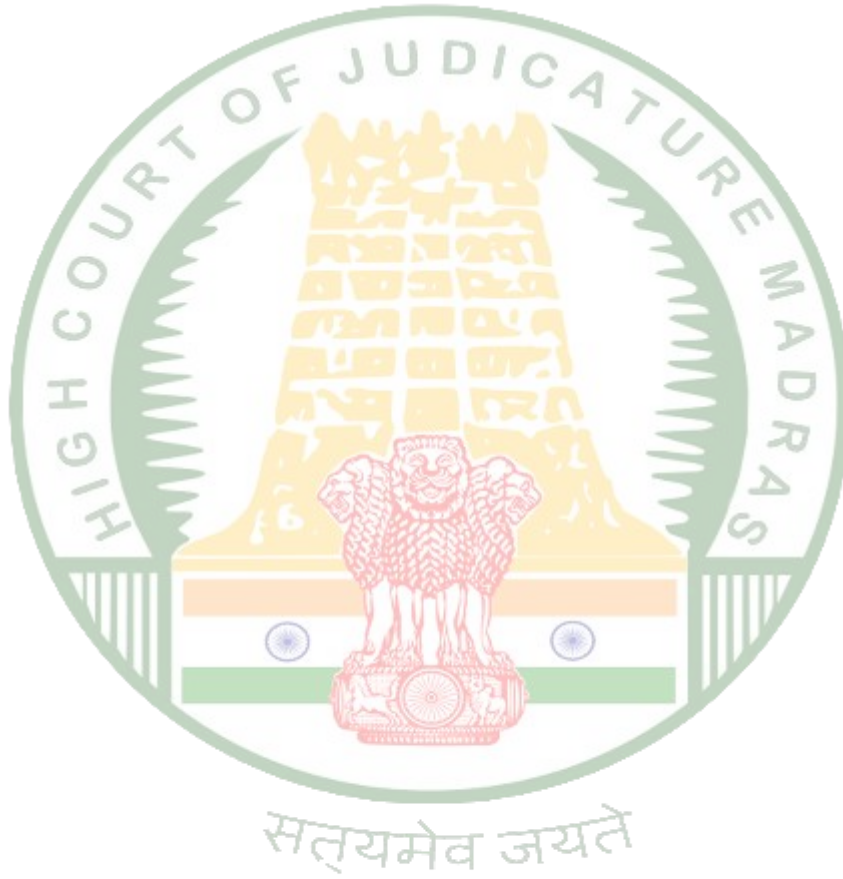
1.The Judge, Family Court, Puducherry.

2.The Judge, V Additional Family Court, Chennai.

+lcc to Mr.Thenmozhi Shivaperumal, Advocate, S.R.No.47857

Tr.C.M.P. No.33 of 2018

NMI (CO)
GSP (07/08/2018)



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