

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.331 of 2018

and C.M.P.No.8467 of 2018

R.Sheeba ... Petitioner/Respondent

Vs.

Arokia Rajesh Rodrigo ... Respondent/Petitioner

Prayer: Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.879 of 2018 pending on the file of the Family Court No.6, Chennai and transfer the same to the file of the Principal District Court, Thoothukudi.

For Petitioner : Ms.N.Parameswari
for Mr.Udaya P.S.Menon

For Respondent : Mr.V.K.Soundaryanarayanakumar
for M/s.BFS.Legal

O R D E R

This petition is filed to withdraw H.M.O.P.No.879 of 2018 pending on the file of the Family Court No.6, Chennai and transfer the same to the file of the Principal District Court, Thoothukudi.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 05.06.2017 as per Christian Rites and Customs. Due to torture and cruelty by the respondent, the petitioner left the matrimonial home. The petitioner filed D.V.No.10 of 2018, under Domestic Violence Act against the respondent and his parents on the file of the Judicial Magistrate Court No.1, Thoothukudi. While so, the respondent filed H.M.O.P.No.879 of 2018 before the Family Court No.6, Chennai for divorce.

3.According to the petitioner, she is residing along with her aged parents at Thoothukudi. The distance between Thoothukudi and Chennai is more than 1040 kms to and fro and she has to spend more than Rs.4,000/- every day for her appearance before the Court at Chennai. It will also be very difficult for

the aged parents to escort the petitioner to Chennai. In the circumstances, she has filed the present Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.879 of 2018 pending on the file of the Family Court No.6, Chennai to Principal District Court, Thoothukudi.

4.The learned counsel for the respondent submitted that if the case in H.M.O.P.No.879 of 2018 pending on the file of the Family Court No.6 at Chennai is transferred to Principal District Court, Thoothukudi, it will cause great hardship to the respondent as he has to travel from Chennai to Thoothukudi to attend each and every hearing.

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 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.

7.Accordingly, the Transfer Civil Miscellaneous Petition is ordered. The petition in H.M.O.P.No.879 of 2018 is ordered to be withdrawn from the file of the Family Court No.6, Chennai and transferred to the file of the Principal District Court, Thoothukudi. The learned Judge, Family Court No.6, Chennai is directed to transmit all the records pertaining to H.M.O.P.No.879 of 2018 to the file of the Principal District Court, Thoothukudi 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.

सत्यमेव जयते
Sd/-

Assistant Registrar (CS-VI)

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Sub Assistant Registrar

gsa

To

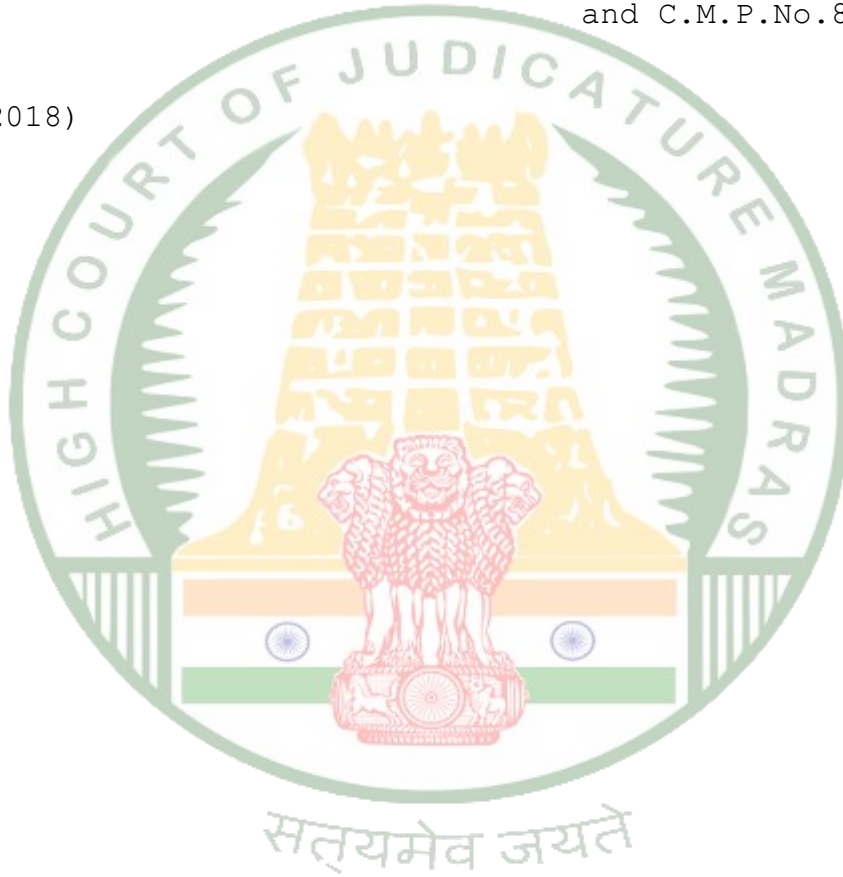
1.The Judge, Family Court No.6,
Chennai.

2.The Principal Judge, District Court,
Thoothukudi.

+1cc to Mr.V.VIJAYAKUMAR, Advocate, S.R.No.40823

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NA (CO)
TR(12/07/2018)



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