

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2018

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P. No.338 of 2018
and C.M.P.No.8674 of 2018

K.Madhumathi

...Petitioner

Vs.

A.Munusami

...Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., praying to withdraw and transfer the suit in H.M.O.P No.160 of 2017 from the file of Subordinate Judge, Mettur to the file of Sub Court, Gudiyattam or any other competent court in Vellore.

For Petitioner : Mr.B.Lenin Balu

For Respondent : M/s.Selvi George

O R D E R

This petition has been filed to withdraw and transfer H.M.O.P No.160 of 2017 from the file of Subordinate Judge, Mettur to the file of Sub Court, Gudiyattam or any other competent court in Vellore.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 21.08.2016 as per Hindu rites and customs. Due to difference of opinion, both the petitioner and the respondent are living separately. While so, the respondent filed H.M.O.P.No.160 of 2017 on the file of Sub Court, Mettur against the petitioner for dissolution of marriage.

3. According to the petitioner, she is residing at Kallur, Gudiyattam, Vellore District along with her aged parents. She is not having any independent income and depending on her parents for her day-to-day expenses including travelling expenses. The distance between Gudiyattam and Mettur is more than 170 kilometers and hence, it will be very difficult for her to travel such a long distance to attend each and every hearings of the Court proceedings at Sub Court, Mettur. In the

circumstances, the petitioner has come out with the present Transfer Civil Miscellaneous Petition to transfer HMOP No.160 of 2017 pending on the file of Sub Court, Mettur to the file of Sub Court, Gudiyattam.

4. When the matter was taken up for hearing, both the parties appeared before this Court. The learned counsel for the respondent submitted that there is a life threat to the respondent if he goes to Gudiyattam and prayed for transferring the H.M.O.P to Sub Court, Tirupattur or Sub Court, Ambur.

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

6. The contention of the learned counsel for the respondent is that there is a life threat to the respondent if he goes to Gudiyattam. The respondent has not produced any document to substantiate his contention.

7. 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. Further, as per the provisions of the Hindu Marriage Act, place of residence of wife must be taken into account.

8. Accordingly, the Transfer Civil Miscellaneous Petition is ordered. The petition in H.M.O.P.No.160 of 2017 is ordered to be withdrawn from the file of the Sub Court, Mettur and transferred to the file of the Sub Court, Gudiyattam. The learned Subordinate Judge, Mettur is directed to transmit all the records pertaining to H.M.O.P.No.160 of 2017 to the file of the Sub Court, Gudiyattam 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.

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Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

rgr

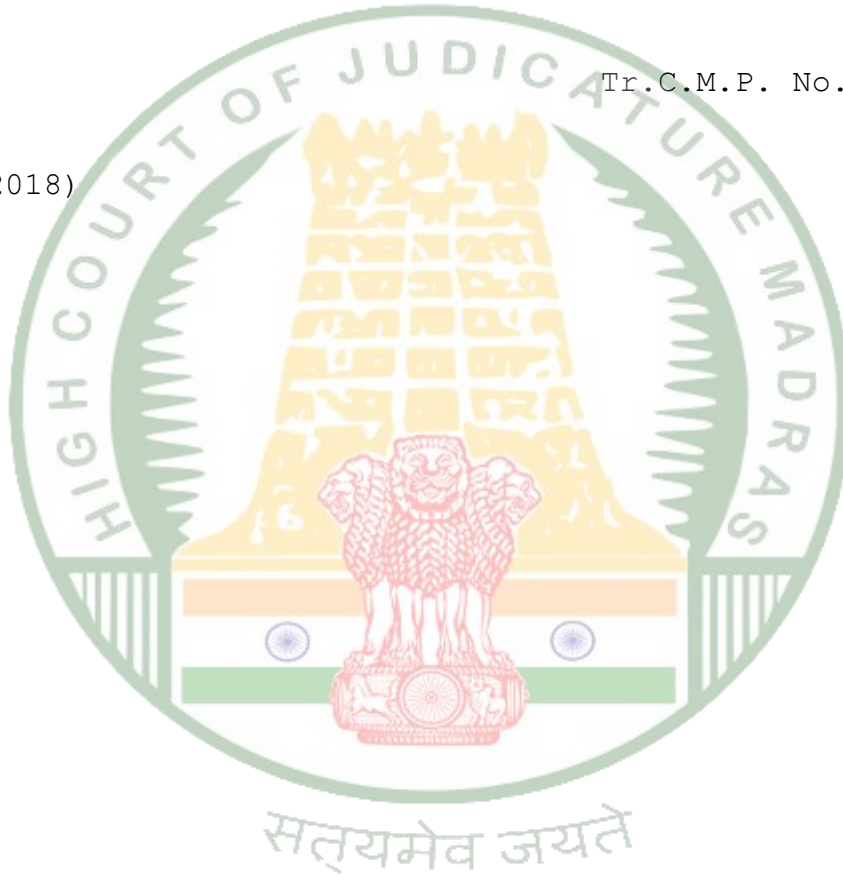
To

- 1.The Subordinate Judge, Mettur.
- 2.The Subordinate Judge, Gudiyattam

+ 1 cc to Mr. B. Lenin Balu, Advocate Sr.45614
+ 1 cc to MR. Selvi George, Advocate Sr.45513

Tr.C.M.P. No.338 of 2018

KJ(CO)
EU(06/08/2018)



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