

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.347 of 2018
and
C.M.P.No.9001 of 2018

G.Divya

... Petitioner

Vs.

R.Vinoth Kannan

... Respondent

Prayer: Petition is filed under Section 24 of C.P.C., to withdraw F.C.O.P.No.21 of 2018 pending on the file of the Family Court, Vellore and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Ms.S.Sarala
For Respondent : Mr.Sathish
for M/s.T.Sundaravadanam

ORDER

This petition is filed to withdraw F.C.O.P.No.21 of 2018 pending on the file of the Family Court, Vellore 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 solemnized on 25.01.2017 as per Christian Rites and Customs. Due to difference of opinion, both the petitioner and respondent are living separately. While so, the respondent filed F.C.O.P.No.21 of 2018 before the Family Court at Vellore for divorce.

3.According to the petitioner, she is residing at Chennai along with her parents. The distance between Chennai and Vellore is more than 180 kms and hence, it will be very difficult for her to travel such a long distance to attend each and every hearing. In the circumstances, she has come out with the present Transfer Civil Miscellaneous Petition to transfer F.C.O.P.No.21 of 2018 from the file of the Family Court, Vellore to Family Court, Chennai. She has also made various allegations against the respondent on merits.

4.The learned counsel for the respondent submitted that the respondent denied all the averments made against him in the present petition. The learned counsel for the respondent further contended that it will be very difficult for the respondent to travel from Vellore to Chennai to attend each and every hearing and prayed for dismissal of the Transfer Civil Miscellaneous 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 and 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 F.C.O.P.No.21 of 2018 is ordered to be withdrawn from the file of the Family Court, Vellore and transferred to the file of the Family Court, Chennai. The learned Judge, Family Court, Vellore is directed to transmit all the records pertaining to F.C.O.P.No.21 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(CS VIII)

//True copy//

Sub Assistant Registrar

gsa

To

- 1.The Judge, Family Court, Chennai.
- 2.The Judge, Family Court, Vellore.

+1cc to Mr.M.Rajavelu, Advocate SR.No.41785

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GN(12/07/2018)