

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.356 of 2018
and C.M.P.No.9763 of 2018

K.Indrapriya

... Petitioner

Vs.

Anandhan

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.157 of 2017 pending on the file of Sub Court, Mannarkudi and transfer the same to the file of III Additional Family Court, Chennai, to be tried along with H.M.O.P.No.3996 of 2017 pending on its file.

For Petitioner : Mr.P.R.Thiruneelakandan
For Respondent : No appearance

O R D E R

This petition is filed to withdraw H.M.O.P.No.157 of 2017 pending on the file of Sub Court, Mannarkudi and transfer the same to the file of III Additional Family Court, Chennai, to be tried along with H.M.O.P.No.3996 of 2017 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 21.08.2016 as per Hindu rites and customs. Due to difference of opinion, both the petitioner and respondent are living separately. While so, the petitioner filed H.M.O.P.No.3996 of 2017 on the file of III Additional Family Court, Chennai, for dissolution of marriage. The respondent entered appearance and filed counter in the said matter. The respondent filed H.M.O.P.No.157 of 2017 on the file of Sub Court, Mannarkudi, for divorce and entered appearance on 07.06.2018.

3.According to the petitioner, she is working as TCS, Senior Process associate in a private company at Chennai and the respondent is also working as CMO Axis, Associates Manager in a private company at Chennai. The distance between Chennai and Mannarkudi is more than 300 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 Mannarkudi. In the circumstances, the petitioner has come out with the present Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.157 of 2017 pending on the file of Sub

Court, Mannarkudi to the file of III Additional Family Court, Chennai, to be tried along with H.M.O.P.No.3996 of 2017 pending on its file.

4.Heard the learned counsel for the petitioner and perused the materials available on record. Though notice has been served on the respondent and his name is printed in the cause list, there is no representation on behalf of him either in person or through counsel.

5.Considering the above contention of the learned counsel for the petitioner 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.

6.Accordingly, the Transfer Civil Miscellaneous Petition is ordered. The petition in H.M.O.P.No.157 of 2017 is ordered to be withdrawn from the file of Sub Court, Mannarkudi and transferred to the file of III Additional Family Court, Chennai to be tried along with H.M.O.P.No.3996 of 2017 filed by the petitioner in order to avoid multiplicity of proceedings and conflicting judgments being delivered by two different Courts. The learned Subordinate Judge, Mannarkudi is directed to transmit all the records pertaining to H.M.O.P.No.157 of 2017 to the file of III Additional 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/-

Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

LPP/gsa

To

- 1.The Subordinate Judge, Mannarkudi.
- 2.The Judge, III Additional Family Court, Chennai.

+ 1 cc to Mr.P.R. Thiruneelakandan, Advocate Sr.44273

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(CS-DR)

EU (31/07/2018)

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