

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.361 of 2018
and C.M.P.No.9825 of 2018

R.Saranya ... Petitioner/Respondent
Vs.

N.Muthukumar ... Respondent/Petitioner

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.29 of 2018 pending on the file of Sub Court, Thiruvavarur and transfer the same to the file of Sub Court, Nagapattinam.

For Petitioner : Mr.M.Thamizhavel
For Respondent : No appearance

O R D E R

This petition is filed to withdraw H.M.O.P.No.29 of 2018 pending on the file of Sub Court, Thiruvavarur and transfer the same to the file of Sub Court, Nagapattinam.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 01.02.2017 as per Hindu rites and customs. The respondent and his mother tortured the petitioner by demanding dowry and thrown her out from the matrimonial home on 01.04.2017. The petitioner's parents have lodged a complaint before All Women Police Station, Thiruvavarur, against the mother of respondent for demanding dowry. While so, the respondent filed H.M.O.P.No.29 of 2018 on the file of Sub Court, Thiruvavarur, for divorce, against the petitioner.

3.According to the petitioner, she is residing along with her aged parents at Nagapattinam. The distance between Nagapattinam and Thiruvavarur is 25 kilometers and hence, it will be very difficult for her to travel such a long distance to attend the Court proceedings at Thiruvavarur. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer H.M.O.P.No.29 of 2018 pending on the file of Sub Court, Thiruvavarur, to the file of Sub Court, Nagapattinam.

4.Heard the learned counsel for the petitioner and perused the materials available on record. Though notice was 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.29 of 2018 is ordered to be withdrawn from the file of Sub Court, Thiruvarur and transferred to the file of Sub Court, Nagapattinam. The learned Subordinate Judge, Thiruvarur, is directed to transmit all the records pertaining to H.M.O.P.No.29 of 2018 to the file of Sub Court, Nagapattinam, 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-IX)

//True Copy//

Sub Assistant Registrar

LPP/kj

To

1.The Subordinate Judge, Thiruvarur.

2.The Subordinate Judge, Nagapattinam.

+ 1 cc to Thiru.M. Thamizhavel, Advocate Sr.45208

Tr.C.M.P. No.361 of 2018
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MR(CO)
EU(25/07/2018)