

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.371 of 2018
and C.M.P.No.10031 of 2018

Dr.Thenmozhi Priya @ B.T.Priya ... Petitioner

Vs.

Mahalingam ... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.248 of 2018 pending on the file of Family Court, Karur and transfer the same to the file of Family Court, Chennai.

For Petitioner : Ms.N.Alamelu Mangai

For Respondent : No appearance

ORDER

This petition is filed to withdraw H.M.O.P.No.248 of 2018 pending on the file of Family Court, Karur and transfer the same to the file of Family Court, Chennai.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 21.02.2001 as per Hindu rites and customs. In the wedlock, a male child was born and now he is 17 years old. The respondent is suffering from mental illness, during December 2012, he left the matrimonial home and deserted the petitioner. While so, the respondent filed H.M.O.P.No.248 of 2018 on the file of Family Court, Karur, against the petitioner, for divorce.

3.According to the petitioner, she is residing at Chennai along with her son. She is working as Assistant Professor, Department of Dermatology, Government Kilpauk Medical College Hospital, Chennai. The distance between Chennai and Karur is more than 390 kilometers and hence, it will be very difficult for her to travel such a long distance to attend the Court

proceedings at Karur for each and every hearing. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer H.M.O.P.No.248 of 2018 pending on the file of Family Court, Karur, to the file of Family Court, Chennai.

4.Heard the learned counsel for the petitioner and perused the materials available on record. Though the respondent entered appearance through advocate, today there is no representation on behalf of him.

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.248 of 2018 is ordered to be withdrawn from the file of Family Court, Karur and transferred to the file of Family Court, Chennai. The learned Judge, Family Court, Karur, is directed to transmit all the records pertaining to H.M.O.P.No.248 of 2018 to the file of 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 VII)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

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To

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

+1cc to Ms.N.Alamelu Mangai, Advocate Sr.46401

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srg 9/8/2018