

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.378 of 2018
and C.M.P.No.10113 of 2018

Adollphine Dupierre ... Petitioner

Vs.

Vinoth Uginraj ... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw D.O.P.No.71 of 2016 pending on the file of Principal District and Sessions Court, Villupuram and transfer the same to the file of Family Court, Puducherry.

For Petitioner : Mr.K.S.Karthik Raja
For Respondent : No appearance

O R D E R

This petition is filed to withdraw D.O.P.No.71 of 2016 pending on the file of Principal District and Sessions Court, Villupuram and transfer the same to the file of Family Court, Puducherry.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 23.01.2014 at Saint Peter and Paul Church, Arulampady, Sankarapuram Taluk, Villupuram District. Due to torture and cruelty by the respondent, the petitioner left the matrimonial home on 09.08.2014 and is residing in her parents home. The petitioner filed M.C.No.20 of 2015 for protection and maintenance under Domestic Violence Act, 2005, against the respondent, on the file of Judicial Magistrate's Court No.III, Puducherry. The respondent filed D.O.P.No.71 of 2016 against the petitioner, for divorce, on the file of Principal District and Sessions Court, Villupuram.

3.According to the petitioner, she is residing at Puducherry along with her parents. The distance between Puducherry and Villupuram is more than 35 kilometers and hence, it will be very difficult for her to travel such a long distance to attend the Court proceedings at Villupuram. In the year 2014, in Bangalore, the petitioner was physically assaulted by the respondent and caused severe injuries. She is facing life threat from the respondent, if she goes to attend the Court proceedings at Villupuram. In the

circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer D.O.P.No.71 of 2016 pending on the file of Principal District and Sessions Court, Villupuram, to the file of Family Court, Puducherry.

4.Heard the learned counsel for the petitioner and perused the materials available on record. Though the respondent entered appearance through counsel 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.

6.Accordingly, the Transfer Civil Miscellaneous Petition is ordered. The petition in D.O.P.No.71 of 2016 is ordered to be withdrawn from the file of Principal District and Sessions Court, Villupuram and transferred to the file of Family Court, Puducherry. The learned Principal District and Sessions Judge, Villupuram, is directed to transmit all the records pertaining to D.O.P.No.71 of 2016 to the file of Family Court, Puducherry, 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 (Audit)

//True Copy//

Sub Assistant Registrar

LPP/kj

To

1.The Principal District and Sessions Judge,
Villupuram.

2.The Judge, Family Court, Puducherry.

+ 1 cc to Mr.R. Kumaravel, Advocate SR.45028

+ 1 cc to Mr.K.S. Karthik Raja, Advocate Sr.45062

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MR(CO)

EU(13/08/2018)