

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.387 of 2018
and C.M.P.No.10296 of 2018

P.Vinodhini ... Petitioner/ Respondent

Vs.

S.Surendar ... Respondent/petitioner

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw I.D.O.P.No.100 of 2018 pending on the file of Principal District Court, Tiruvallur and transfer the same to the file of Family Court, Vellore.

For Petitioner : Ms.M.Aarthi
for Mr.Arun Anbumani

For Respondent : No appearance

O R D E R

This petition is filed to withdraw I.D.O.P.No.100 of 2018 pending on the file of Principal District Court, Tiruvallur and transfer the same to the file of Family Court, Vellore.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 05.02.2016 as per Christian rites and customs. In the wedlock, a female child was born on 10.12.2016. Due to difference of opinion, the respondent thrown out the petitioner from the matrimonial home. The respondent filed I.D.O.P.No.100 of 2018 on the file of Principal District Court, Tiruvallur, for divorce against the petitioner.

3.According to the petitioner, she is residing at Vellore along with her aged parents and minor child and hence, it is very difficult for her to travel from Vellore to Tiruvallur along with her minor child to

attend the Court proceedings at Tiruvallur. Her parents are aged persons and her brother is working at Bangalore. There is no one to accompany her to attend the Court proceedings at Tiruvallur. The petitioner further stated that the respondent is not residing at Tiruvallur and he is working as an Assistant Manager, State Bank of India, Pudukadai Branch in Kanyakumari District and only to harass the petitioner, the respondent filed I.D.O.P.No.100 of 2018 on the file of Principal District Court, Tiruvallur. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer I.D.O.P.No.100 of 2018 pending on the file of Principal District Court, Tiruvallur, to the file of Family Court, Vellore.

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.

6.Accordingly, the Transfer Civil Miscellaneous Petition is ordered. The petition in I.D.O.P.No.100 of 2018 is ordered to be withdrawn from the file of Principal District Court, Tiruvallur and transferred to the file of Family Court, Vellore. The learned Principal District Judge, Tiruvallur, is directed to transmit all the records pertaining to I.D.O.P.No.100 of 2018 to the file of Family Court, Vellore, 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

LPP/arr

To

1.The Principal District Judge, Tiruvallur.

2.The Judge, Family Court, Vellore.

+1 CC TO MR.ARUN ANBUMANI Advocate SR.NO. 47736

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PVS (CO)

ASK (23/08/2018)



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