

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.388 of 2018
and C.M.P.No.10333 of 2018

M.Hemapriya

... Petitioner

Vs.

R.Arun Kumar

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw O.P.No.1946 of 2018 pending on the file of VI Additional Family Court, Chennai and transfer the same to the file of the Family Court, Tiruchirappalli.

For Petitioner : Mr.M.Sivavarthanan

For Respondent : No appearance

O R D E R

This petition is filed to withdraw O.P.No.1946 of 2018 pending on the file of VI Additional Family Court, Chennai and transfer the same to the file of Family Court, Tiruchirappalli.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 04.02.2018 as per Hindu rites and customs. After marriage, the respondent and his family members harassed the petitioner by demanding dowry. The petitioner left the matrimonial home and is residing along with her parents at Tiruchirappalli. The petitioner lodged a complaint before All Women Police Station, Cantonment, Trichy against the respondent for dowry harassment in CSR.No.92 of 2018. In order to escape from the complaint given by the petitioner, the respondent filed O.P.No.1946 of 2018 on the file of VI Additional Family Court, Chennai, to declare the marriage as null and void.

3. According to the petitioner, she is residing along with her parents at Tiruchirappalli. The petitioner's father is doing business at Karnataka. There is no one to accompany her to attend the Court proceedings at Chennai. The distance between Tiruchirappalli and Chennai is 350 kilometers and hence, it will be very difficult for her to travel such a long distance to attend each and every hearing of the Court proceedings at IV Additional Family Court, Chennai. She is not having any independent income. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer O.P.No.1946 of 2018 pending on the file of VI Additional Family Court, Chennai, to the file of Family Court, Tiruchirappalli.

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 the respondent.

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 O.P.No.1946 of 2018 is ordered to be withdrawn from the file of VI Additional Family Court, Chennai and transferred to the file of Family Court, Tiruchirappalli. The learned Judge, VI Additional Family Court, Chennai, is directed to transmit all the records pertaining to O.P.No.1946 of 2018 to the file of Family Court, Tiruchirappalli, 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.

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Sd/-
Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

LPP/arr

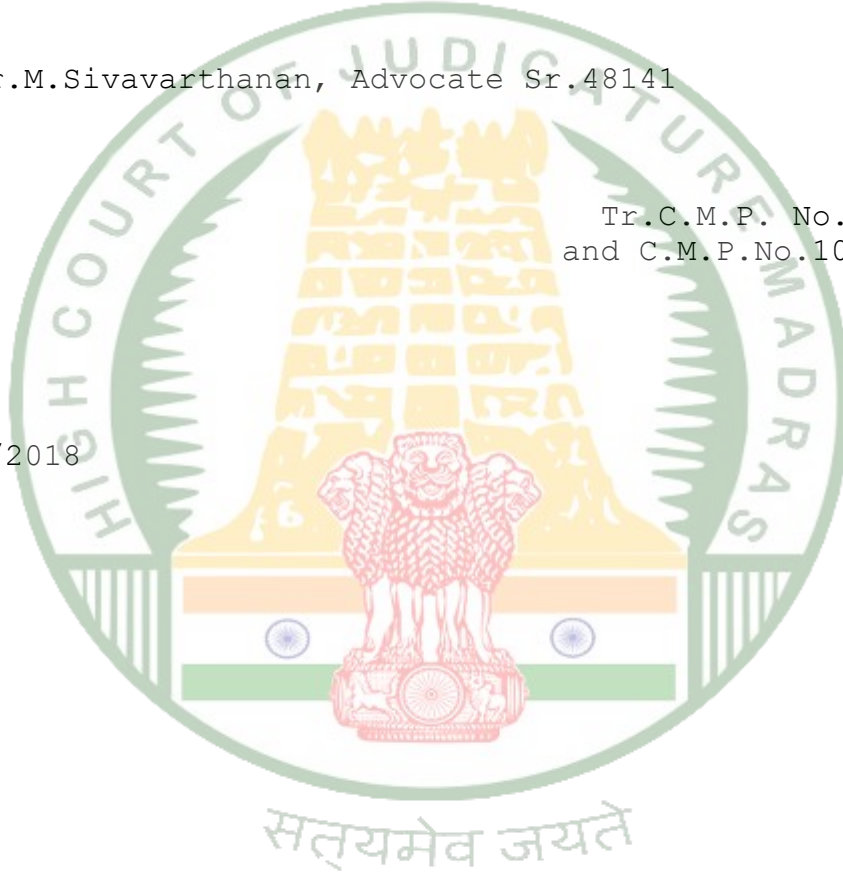
To

1. The Judge,
VI Additional Family Court, Chennai.
2. The Judge,
Family Court, Tiruchirappalli.

+1cc to Mr.M.Sivavarthan, Advocate Sr.48141

Tr.C.M.P. No.388 of 2018
and C.M.P.No.10333 of 2018

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srg 14/08/2018



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