

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.405 of 2018
and C.M.P.No.10714 of 2018

M.Harini

... Petitioner

Vs.

S.Dilipan Prabakar

...Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.60 of 2018 pending on the file of Family Court, Villupuram and transfer the same to the file of Family Court, Chennai.

For Petitioner : Ms.B.Saranya

For Respondent : Mr.R.Sreedhar

O R D E R

This petition is filed to withdraw H.M.O.P.No.60 of 2018 pending on the file of Family Court, Villupuram 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 03.09.2017 as per Hindu rites and customs. After marriage, both the petitioner and respondent were living at Perambur, Chennai. Due to difference of opinion, both the petitioner and the respondent are living separately. The respondent filed H.M.O.P.No.60 of 2018 on the file of Family Court, Villupuram, for restitution of conjugal rights.

3.According to the petitioner, she is living with her physically handicapped mother in Chennai. The distance between Chennai and Villupuram is more than 170 kilometers and being a lady, it will be very difficult for her to go to Villupuram to attend the Court proceedings 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.60 of 2018 pending on the file of Family Court, Villupuram, to the file of the Family Court, Chennai.

4.The learned counsel for the petitioner submitted that the respondent is working in Navalur and residing in Thoraipakkam.

5. The learned counsel for the respondent submitted that the respondent has resigned his job and residing at Villupuram and searching for job in Villupuram and it will be very difficult for him to travel from Villupuram to Chennai to attend the Court proceedings and prayed for dismissal of the transfer petition.

6.Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.

7.Considering the above contention of the learned counsel for the petitioner as well as the respondent 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.

8.Accordingly, the Transfer Civil Miscellaneous Petition is ordered. The petition in H.M.O.P.No.60 of 2018 is ordered to be withdrawn from the file of Family Court, Villupuram and transferred to the file of Family Court, Chennai. The learned Judge, Family Court, Villupuram, is directed to transmit all the records pertaining to H.M.O.P.No.60 of 2018 to the file of the 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/-
सत्यमेव जयते

Assistant Registrar(CS II)

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Sub Assistant Registrar

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To

1.The Family Court Judge, Villupuram

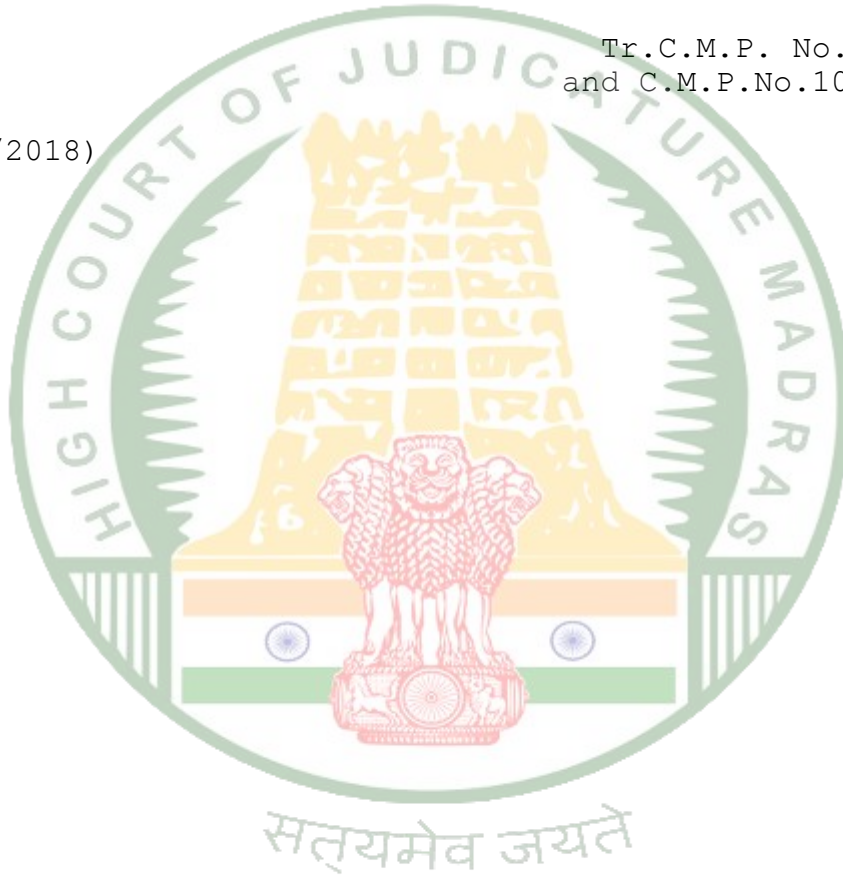
2.The Family Court Judge, Chennai

+1cc to Mr.R.Sreedhar, Advocate, S.R.No.52962

+1cc to M/s.K.Sumathi, Advocate, S.R.No.52165

Tr.C.M.P. No.405 of 2018
and C.M.P.No.10714 of 2018

RRK(27/08/2018)



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