

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.424 of 2018
and C.M.P.No.10975 of 2018

K.Anitha ... Petitioner/Respondent

Vs.

P.Vinod ... Respondent/petitioner

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.306 of 2017 pending on the file of Sub Court, Kancheepuram and transfer the same to the file of Principal Family Court, Chennai.

For Petitioner : Mr.R.Kumar

For Respondent : No appearance

O R D E R

This petition is filed to withdraw H.M.O.P.No.306 of 2017 pending on the file of Sub Court, Kancheepuram and transfer the same to the file of Principal Family Court, Chennai.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 05.05.2010. After marriage, both the petitioner and respondent were living together in the matrimonial home at Chennai along with the parents of the respondent. In the wedlock, a male child was born on 24.10.2012. Due to difference of opinion, the petitioner and respondent are living separately. The respondent filed H.M.O.P.No.306 of 2017 on the file of the Sub Court, Kancheepuram, for divorce against the petitioner.

3. According to the petitioner, she is residing at Chennai along with her parents and minor child. She is working in a private company and getting very meager income and hence it is very difficult for her to meet out the day-to-day expenses including travelling expenses. The distance between Chennai and Kancheepuram is more than 70 kilometers and hence, it will be very difficult for her to travel such a long distance to attend the Court proceedings at Kancheepuram. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer H.M.O.P.No.306 of 2017 pending on the file of the Sub Court, Kancheepuram, to the file of the Family Court, Chennai.

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. 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.306 of 2017 is ordered to be withdrawn from the file of Sub Court, Kancheepuram and transferred to the file of Family Court, Chennai. The learned Subordinate Judge, Kancheepuram, is directed to transmit all the records pertaining to H.M.O.P.No.306 of 2017 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.

LPP/arr

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Subordinate Judge, Kancheepuram.

2.The Judge, Family Court, Chennai.

+1 CC TO MR.R.KUMAR Advocate SR.NO. 48316

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PVS (cO)

ASK(23/08/2018)



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