

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.443 of 2018
and C.M.P.No.11294 of 2018

V.Pavithra ... Petitioner/Respondent

N.Kannan Vs. Respondent/Petitioner

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.312 of 2018 pending on the file of the Sub Court, Tambaram and transfer the same to the file of the Principal Sub Court, Krishnagiri.

For Petitioner : Mr.G.Shanmugam
for Ms.N.Sureka

For Respondent : No appearance

O R D E R

This petition is filed to withdraw H.M.O.P.No.312 of 2018 pending on the file of the Sub Court, Tambaram and transfer the same to the file of the Principal Sub Court, Krishnagiri.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 05.02.2016 as per Hindu rites and customs. After marriage, both the petitioner and respondent were living in the matrimonial home at Tambaram, Chennai. Due to ill-treatment and torture by the respondent, the petitioner left the matrimonial home. The respondent filed H.M.O.P.No.312 of 2018 on the file of the Sub Court, Tambaram, for divorce, against the petitioner.

3.According to the petitioner, she is residing in her parents home at Krishnagiri. The distance between Krishnagiri and Tambaram is more than 210 kilometers and hence, it will be very difficult for her to travel such a long distance to attend the Court proceedings at Tambaram. Further, she has no independent income and is depending on her parents for her day-to-day expenses including travelling expenses. She apprehends life threat at the hands of the respondent and his family members, when she attends the Court proceedings at Tambaram. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer H.M.O.P.No.312 of 2018

pending on the file of the Sub Court, Tambaram, to the file of the Principal Sub Court, Krishnagiri.

4.Heard the learned counsel for the petitioner and perused the materials available on record. Though the respondent entered appearance through counsel, 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 H.M.O.P.No.312 of 2018 is ordered to be withdrawn from the file of the Sub Court, Tambaram and transferred to the file of the Principal Sub Court, Krishnagiri. The learned Subordinate Judge, Tambaram, is directed to transmit all the records pertaining to H.M.O.P.No.312 of 2018 to the file of the Principal Sub Court, Krishnagiri, 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

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To

1.The Subordinate Judge, Tambaram.

2.The Principal Subordinate Judge, Krishnagiri.

+ 1 cc to M/s. N.Suresh, Advocate Sr.47348

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(Audit)

EU (06/08/2018)

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