

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.449 of 2018

and C.M.P.No.11567 of 2018

R.Bhuvaneswari

... Petitioner

Vs.

B.Murugadoss

.... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.49 of 2018 pending on the file of Principal Sub Court, Tindivanam and transfer the same to the file of Sub Court, Tambaram, Kanchipuram District.

For Petitioner : Ms.M.S.Rajeswari

For Respondent : Mr.N.Suresh

O R D E R

This petition is filed to withdraw H.M.O.P.No.49 of 2018 pending on the file of Principal Sub Court, Tindivanam and transfer the same to the file of Sub Court, Tambaram, Kanchipuram District.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 29.11.2014 as per Hindu rites and customs. In the wedlock, a male child was born on 26.05.2016. Due to torture and demand of dowry by the respondent and his family members, the petitioner left the matrimonial home. The respondent filed H.M.O.P.No.49 of 2018 on the file of the Principal Sub Court, Tindivanam, against the petitioner for restitution of conjugal rights. The petitioner filed vakalat through her advocate.

3.According to the petitioner, she is residing at Chennai along with her aged parents and minor child. The petitioner is working as a physiotherapist at Chennai. The distance between

Chennai and Tindivanam is more than 100 kilometers and it will be very difficult for her to travel such a long distance to attend the Court proceedings for each and every hearing. She is only daughter for her parents. There is no one to accompany her to attend the Court proceedings at Tindivanam. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer H.M.O.P.No.49 of 2018 pending on the file of Principal Sub Court, Tindivanam to the file of Sub Court, Tambaram.

4.The learned counsel for the respondent submitted that the respondent is working as teacher at Tindivanam and it will be very difficult for him to travel from Tindivanam to Tambaram to attend the Court proceedings at Tambaram.

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

6.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.

7.Accordingly, the Transfer Civil Miscellaneous Petition is ordered. The petition in H.M.O.P.No.49 of 2018 is ordered to be withdrawn from the file of Principal Sub Court, Tindivanam and transferred to the file of Sub Court, Tambaram. The learned Principal Subordinate Judge, Tindivanam, is directed to transmit all the records pertaining to H.M.O.P.No.49 of 2018 to the file of Sub Court, Tambaram, 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-IV)

//True Copy//

Sub Assistant Registrar

LPP/arr

To

1.The Subordinate Judge, Tambaram.

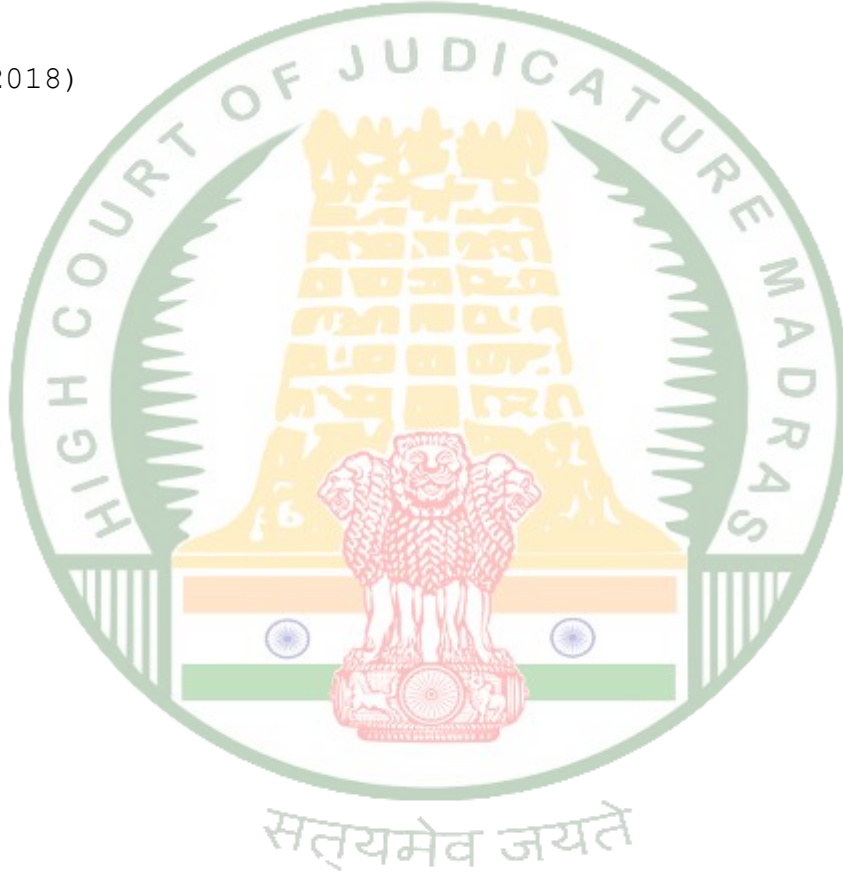
2.The Principal Subordinate Judge, Tindivanam.

+1cc to Mr.M.S.RAJESWARI, Advocate, S.R.No.52011

+1cc to Mr.N.SURESH, Advocate, S.R.No. 48784

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TR(02/08/2018)



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