

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

TR.C.M.P.No.740 of 2018
and
CMP.No.18028 of 2018

G.B.Pavithra

...Petitioner

Vs.

K.R.Vigneshwar

...Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 CPC to withdraw HMOP.No.211 of 2018 from the file of the Principal Subordinate Judge, Pudukotai and transfer the same to the Family Court, Chennai.

For petitioner : Mr.D.Prasanna

For respondent : Mr.V.M.Venkatramana

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw HMOP.No.211 of 2018 pending on the file of learned Principal Subordinate Judge, Pudukotai and to transfer the same to the file of the learned Judge, Family Court, Chennai.

2.The petitioner is the wife and the respondent is her husband. The marriage between the petitioner and respondent was solemnized on 31.08.2014 at S.P. Kalyana Mandapam, Palandiamman Kovil Street, Adambakkam, Chennai as per Hindu rites and customs. After the marriage, both the petitioner and the respondent are lived together at Chennai. After some time from the date of marriage, due to the difference of opinion arose between the petitioner and the respondent, the petitioner left the matrimonial home and living separately alongwith her parents at Chennai.

3. In the meanwhile, the respondent has filed a petition against the petitioner, under Section 13(1)(ia) & 13 (1) (iii) of the Hindu Marriage Act 25/1955, seeking the relief of annulling the marriage happened between them on 31.08.2014. The said petition is now pending on the file of the learned Principal Subordinate Judge, Pudukotai in HMOP No.211 of 2018. In the said circumstances, the petitioner approached this Court by way of filing the present petition to transfer the said proceedings pending on the file of the learned Principal Subordinate Judge, Pudukotai to the file of Family Court, Chennai.

4. According to the petitioner, she is not having any individual income. She is depending on her parents for her day-today expenses. The distance between Chennai and Pudukotai is about 300 kilometers, being a lady, it is very difficult for her in attending the Court proceedings pending on the file of the learned Principal Subordinate Judge, Pudukotai.

5. Per contra, the learned counsel for the respondent by filing counter, has submitted that due to the attitude of the petitioner, a loss had occurred in the business run by the respondent and thereby, he left the Chennai and residing with his parents at Pudukottai. The learned counsel further submitted that the respondent is not having any individual income and he is depending on his parents for day-today expenses.

6. Heard, Mr.D.Prasanna, learned counsel for the petitioner and Mr.V.M.Venkatramana, learned counsel for the respondent.

7. It is an admitted fact that a petition filed by the petitioner against the respondent for the relief of maintenance, is pending on the file of I Additional Family Court, Chennai in M.C.No.392 of 2018. In other wise, even though the reasons stated by the respondent is reasonable one, before ordering the petition, this Court has gone through the observation of the Hon'ble Apex Court reported in Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta reported in 2008(9) SCC 353 and in Sumita Singh Vs. Kumar Sanjay and another reported in AIR 2002 SC 396, wherein, the Hon'ble Apex Court has held that the convenience of the wife must be given preference in the matrimonial proceedings. Apart from that since the application filed by the petitioner for maintenance is now pending before the I Additional Family Court, it is necessary to allow this application in order to avoid conflicting decisions.

8. Accordingly, this petition is allowed. The learned Principal Subordinate Judge, Pudukotai is directed to transmit all the records pertaining to HMOP No.211 of 2018 to the file of

Family Court, Chennai within a period of two weeks from the date of receipt of a copy of this order. On receipt of such records, the learned Judge, Family Court, Chennai, is directed to dispose of both the cases as expeditiously as possible preferably within a period of six months. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

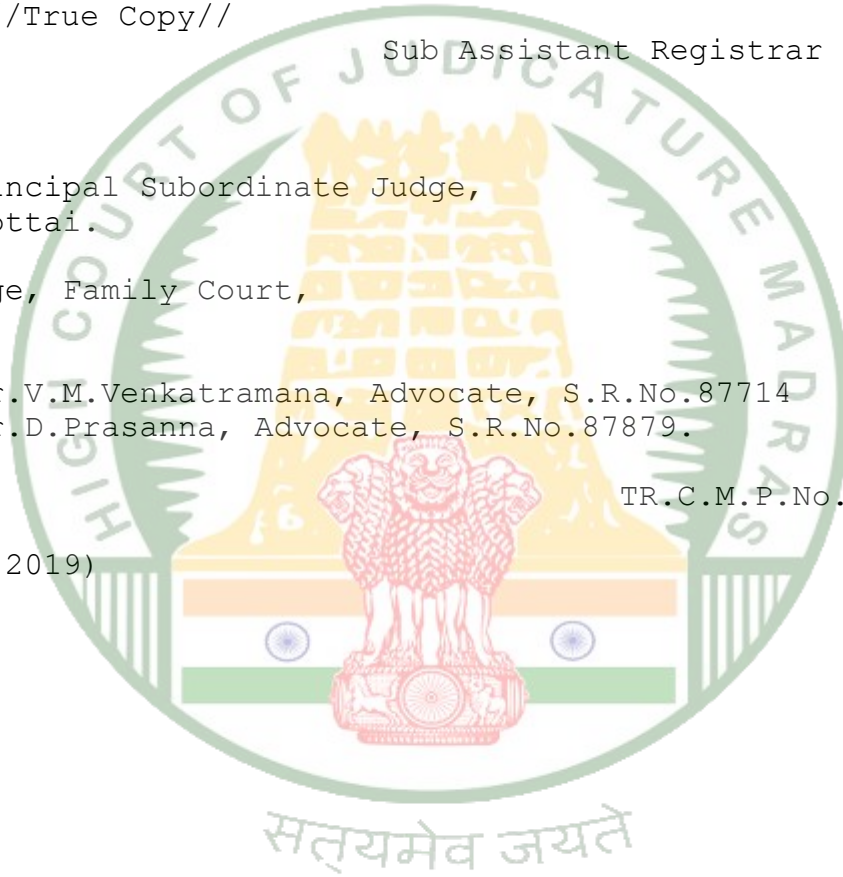
1. The Principal Subordinate Judge,
Pudukkottai.
2. The Judge, Family Court,
Chennai.

+1cc to Mr.V.M.Venkatramana, Advocate, S.R.No.87714

+1cc to Mr.D.Prasanna, Advocate, S.R.No.87879.

TR.C.M.P.No.740 of 2018

kak(10.01.2019)



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