

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 29.11.2018

CORAM
THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Tr.C.M.P.No.773 of 2018
and C.M.P.No.19125 of 2018

R.Meena

..Petitioner

versus

G.Rathinavel

..Respondent

Prayer: Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.956 of 2018 pending on the file of the Additional Family Court, Coimbatore and transfer the same to the file of the Sub Court, Lalgudi, Trichy District.

For Petitioner : Ms.Nair P.Sridevi Pradeep
for Mr.K.Balaji

For Respondent : Mr.S.Silambu Selvan

O R D E R

This Transfer Civil Miscellaneous Petition has been filed to withdraw H.M.O.P.No.956 of 2018 pending on the file of the Additional Family Court, Coimbatore and transfer the same to the file of the Sub Court, Lalgudi, Trichy District.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 28.06.2017 at Sivan Temple, Kallikudi, Trichy District, as per Hindu rites and customs. After the marriage, both the petitioner and respondent were living in the matrimonial home for some time, subsequently due to difference of opinion, the petitioner left the matrimonial home and living separately with her parents. In the meantime, the respondent filed a petition before the Additional Family Court, Coimbatore, for annulling the marriage happened between them on 28.06.2017. The said petition is now pending before the Additional Family Court, Coimbatore as H.M.O.P.No.956 of 2018. In the said petition, the respondent made various allegations against the petitioner.

3. According to the petitioner, she is residing at Trichy, along with her parents. The distance between her residence and Coimbatore is more than 250 kilometers and being a lady, it is very difficult for her to go to Coimbatore to attend the Court proceedings. In the said circumstances, the petitioner

has come out with the present Transfer Civil Miscellaneous Petition for the relief stated earlier in the first paragraph of this order.

4. The learned counsel appearing for the respondent submitted that it will not be difficult for the petitioner to attend the Court at Coimbatore and prayed for dismissal of the transfer petition.

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

6. This petition has been filed by the petitioner by stating the inconvenience faced by her in attending the Court at Coimbatore.

7. For considering the above contention raised by the learned counsel appearing for the petitioner, as well as by the learned counsel appearing for the respondent, it is relevant to see the pronouncement of the Hon'ble Supreme Court in the judgments 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. Further, as per the provisions of the Hindu Marriage Act, place of residence of wife must be taken into account.

8. However, the learned counsel appearing for the respondent would contend that the Sub Court, Lalgudi, is situated in Trichy to Dalmiapuram Road, particularly, 15kms away from Trichy. Since the connecting road is not having any frequent buses, it is difficult for the respondent to reach the Sub Court, Lalgudi. Accordingly, he prayed to transfer the case to the Family Court, Trichy.

9. Now on considering the said submission made by the learned counsel for the respondent, it is true that it is very difficult for the respondent to reach the Sub Court, Lalgudi from Coimbatore. So, in order to solve the said issue, transferring the case from Sub Court, Lalgudi to the file of Family Court, Trichy is the appropriate one. Accordingly, the Transfer Civil Miscellaneous Petition is ordered. The petition in H.M.O.P.No.956 of 2018 is ordered to be withdrawn from the file of the Additional Family Court, Coimbatore and transferred to the file of the Family Court, Trichy District. The learned Additional Judge, Family Court, Coimbatore, is directed to transmit all the records pertaining to H.M.O.P.No.956 of 2018 to the file of the Family Court, Trichy District, within a period of two weeks from the date of receipt of a copy of this order.

On receipt of records, the learned Judge, Family Court, Trichy District, is directed to dispose of the case as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sri

To

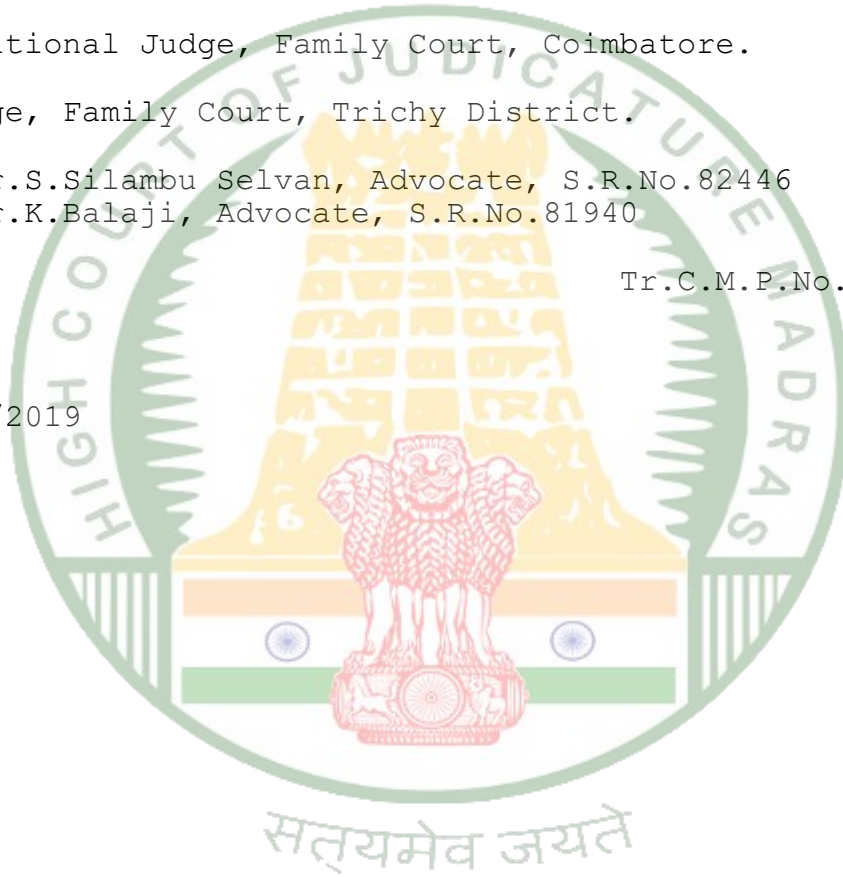
- 1.The Additional Judge, Family Court, Coimbatore.
- 2.The Judge, Family Court, Trichy District.

+1cc to Mr.S.Silambu Selvan, Advocate, S.R.No.82446
+1cc to Mr.K.Balaji, Advocate, S.R.No.81940

Tr.C.M.P.No.773 of 2018

SSI (CO)

rrs 03/01/2019



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