

IN THE HIGH COURT OF JUDICATURE AT MADRAS

JUDGMENT RESERVED ON : 03.12.2018

JUDGMENT PRONOUNCED ON : 10.12.2018

CORAM

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Tr.C.M.P.No.798 of 2018
and C.M.P.No.19694 of 2018

V.Shanmugapriya .. Petitioner/ Respondent

versus

P.Padmanabhan .. Respondent/Respondent

Prayer: Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.859 of 2018 pending on the file of the Family Court, Madurai and transfer the same to the file of the Principal Family Court, Chennai.

For Petitioner : Mr.S.Ravichandran

For Respondent : Mr.Rajkumar
for M/s.R.Anitha

O R D E R

This Transfer Civil Miscellaneous Petition has been filed to withdraw H.M.O.P.No.859 of 2018 pending on the file of the Family Court, Madurai and transfer the same to the file of the Principal Family Court, Chennai.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 07.03.2016 at SDYF Office, No.28, Meenambalpuram Madurai, as per Hindu rites and customs. After the marriage, both the petitioner and respondent were living in the matrimonial home at Chennai. Due to the wedlock, the petitioner gave birth to one male child on 25.03.2017. Subsequent to gave birth to the child, due to difference of opinion, the petitioner left the matrimonial home and living separately along with her parents. In the meantime, the respondent filed a petition before the Family Court, Madurai, for annulling the marriage between

them dated 07.03.2016. The said petition is now pending before the Family Court, Madurai as H.M.O.P.No.859 of 2018. In the said petition, the respondent made various allegations against the petitioner.

3. According to the petitioner, she is residing at Chennai along with her parents, further she is working as Senior Manager in Federal Bank, Gopalapuram Branch, Chennai. The distance between her residence and Madurai is more than 450 kilometers and being a lady, it is very difficult for her to go to Madurai to attend the Court proceedings, along with her minor child. 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, the respondent is likely to be transferred from Chennai to Madurai. Since the respondent is working in a reputed office, it is very difficult for him to attend the Court proceedings at Chennai. Moreover, it will not be difficult for the petitioner to attend the Court at Madurai 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 Madurai.

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. Accordingly, the Transfer Civil Miscellaneous Petition is ordered. The petition in H.M.O.P.No.859 of 2018 is ordered to be withdrawn from the file of the Family Court, Madurai and transferred to the file of the Principal Family Court, Chennai. The Judge, Family Court, Madurai, is directed to transmit all the records pertaining to H.M.O.P.No.859 of 2018 to

the file of the Principal Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order. On receipt of records, the learned Principal Judge, Family Court, Chennai, is directed to dispose of the case as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

sri

To

1.The Judge, Family Court, Madurai.

2.The Principal Judge, Family Court, Chennai.

+1cc to Mr.S.Ravichandran, Advocate SR.No.85283

+1cc to Mr.R.Anitha, Advocate SR.No.85265

Tr.C.M.P.No.798 of 2018

KJ (CO)

GMV (02/01/2019)

