

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.810 of 2018
and C.M.P.No.20006 of 2018

M.Hemalakshmi

Petitioner

versus

P.Rajasekar

Respondent

Prayer: Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.81 of 2018 pending on the file of the Sub Court, Panruti, Cuddalore District and transfer the same to the file of the Sub Court, Tambaram, Kancheepuram District.

For Petitioner : Mr.S.Gunaseelan

For Respondent : M/s.P.Rajalakshmi

O R D E R

This Transfer Civil Miscellaneous Petition has been filed to withdraw H.M.O.P.No.81 of 2018 pending on the file of the Sub Court, Panruti, Cuddalore District and transfer the same to the file of the Sub Court, Tambaram, Kancheepuram District.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 04.06.2017 at Thiruvathigai Veerataneswarar Sannathi, Panruti, Cuddalore District, as per Hindu rites and customs. After the marriage, both the petitioner and respondent were living in Tambaram. Due to the wedlock, the petitioner gave birth to one female child on 26.04.2018. After delivery, the respondent refused to take back the petitioner from her parental home, further the efforts taken by the petitioner for reunion was ended in futile. In the said circumstances, the petitioner

filed a petition before the Sub Court, Tambaram, Kancheepuram District, against the respondent, for annulling the marriage. The said petition is now pending before the Sub Court, Tambaram, Kancheepuram District as H.M.O.P.No.720 of 2018. In the meantime, the respondent filed a petition before the Sub Court, Panruti, for the relief of restitution of conjugal rights, the said petition is now pending before the Sub Court, Panruti as H.M.O.P.No.81 of 2018. In both the petitions, both of them made various allegations against each other.

3. According to the petitioner, she is residing at Chennai along with her parents. The distance between her residence and Panruti is more than 170 kms and being a lady, it is very difficult for her to go to Panruti to attend the Court proceedings, along with her minor child. Further, she is not having any independent income and she is depending on her parents for her day-to-day expenses and travelling expenses. 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 for the respondent submitted that it will not be difficult for the petitioner to attend the Court at Panruti 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 Panruti.

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.81 of 2018 is ordered to be withdrawn from the file of the Sub Court, Panruti, Cuddalore District and transferred to the file of the Sub Court,

Tambaram, Kancheepuram District. The learned Subordinate Judge, Panruti, Cuddalore District, is directed to transmit all the records pertaining to H.M.O.P.No.81 of 2018 to the file of the Sub Court, Tambaram, Kancheepuram District, within a period of two weeks from the date of receipt of a copy of this order. On receipt of records, the learned Subordinate Judge, Tambaram, Kancheepuram District, is directed to dispose of the case as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CCC)

//True copy//

Sub Assistant Registrar

sri

To

1.The Subordinate Judge,
Panruti, Cuddalore District.

2.The Subordinate Judge,
Tambaram, Kancheepuram District.

+1cc to Mr.S.Gunaseelan, Advocate SR.No.85014

Tr.C.M.P.No.810 of 2018

SSI (CO)

GMV (04/01/2019)

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