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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.C.M.P.No.515 of 2019
and
C.M.P.No.14256 of 2019

Mrs.Sentamilselvi

... Petitioner

Vs.

Mr.K.Ramesh

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the HMOP.No.4506 of 2018 pending on the file of the II Additional Family Court, Chennai and transfer the same to the file of the Family Court, Villupuram.

For Petitioner : Mr.NA.Malai Saravanan

For Respondent : No Appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking for transfer of HMOP.No.4506 of 2018 pending on the file of the II Additional Family Court, Chennai to the file of the Family Court, Villupuram.

2. It is stated in the affidavit filed in support of this petition that the petitioner belonged to a poor family and got married to the respondent on 27.01.2012 at Ram Mandir Mahal, No.87, Royapettah High Road, Mylapore, Chennai - 4. At the beginning of the marital life, even though there are some problems between herself and the respondent, her life was going smoothly and she blessed with two children. But in the past two years, the respondent and his step mother gave continuous torture to her to bring money from her parents, and because of which, there was a huge quarrel between herself and the respondent during the month of September 2018 and the respondent send out her from the matrimonial home by keeping the minor child in his custody.



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3. It is further stated in the affidavit that the respondent issued a legal notice on 24.09.2018 and the petitioner also sent a reply on 06.10.2018. Subsequently, the respondent has filed a petition for divorce in HMOP.No.4506 of 2018 before the II Additional Family Court, Chennai. The petitioner is residing in her parents' home at Thindivanam, she does not have any acquaintance in Chennai to contest the divorce case filed by the husband and therefore, prays for transfer of the case to the file of the Family Court at Villupuram as it is nearby to her residence where she is living at present.

4. On perusal of the records, it is seen that when the matter was taken up for hearing on 12.11.2018, there was no representation for the respondent. Hence, the Registry was directed to post the matter on 13.11.2019. Thereafter, when the matter was listed on 13.11.2019, again there was no representation for the respondent. Hence, the Registry was directed to post the matter on 18.11.2019. Accordingly, when the matter is listed today i.e. on 18.11.2019, even today, there is no representation for the respondent.

5. It is well settled law that whenever the transfer application is filed in matrimonial disputes, the convenience of the wife shall be given preference as held by 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]. Hence, this Court is inclined to transfer the HMOP.No.4506 of 2018 from the file of the II Additional Family Court, Chennai to the file of the Family Court at Villupuram as per convenience of the petitioner/wife.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the HMOP.No. 4506 of 2018 pending on the file of the II Additional Family Court, Chennai is withdrawn and transferred to the file of the Family Court at Villupuram. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar



To

1. The Presiding Officer,
II Additional Family Court, Chennai.

2. The Presiding Officer,
Family Court, Villupuram.

+lcc to Mr.NA.Malai Saravanan, Advocate sr.95503

TR.C.M.P.No.515 of 2019

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