

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2019

C O R A M

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR C.M.P. No.733 of 2019

and

C.M.P.No.20654 of 2019

P.M.Manipriya

... Petitioner

Vs.

M.S.Adhisankaran

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under section 24 of C.P.C., to withdraw H.M.O.P.No.16 of 2018 on the file of Sub Court, Panruti and to transfer the same to the Sub Court, Tambaram.

For Petitioner : Mr.Charles Kamalesh M.Appaji

For Respondent : Mr.D.Ashok Kumar

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw and transfer H.M.O.P.No.16 of 2018 on the file of the Sub Court, Panruti to Sub Court, Tambaram.

2. The case of the petitioner is that marriage between the petitioner and the respondent was solemnized on 23.01.2017. Initially they had a peaceful and cordial relationship but after one month it was found that the respondent/husband had illegal intimacy with one Kayalvizhi. When the petitioner questioned about the same he conceded that only to grab the wealth of the petitioner he married her. When the petitioner informed about the same to respondent's family, they refused to accept the attitude of the respondent. The respondent and the respondent's family started ill treating the petitioner. In this connection a criminal case was registered against the respondent and his family members in Crime No.36 of 2017. To escape from the

criminal action, the respondent has filed a petition to dissolve the marriage in H.M.O.P.No.16 of 2018 on the file of the Sub Court, Panruti on the ground of cruelty and also stating that the petitioner was suffering from incurable skin disease eczema. The petitioner/wife filed a separate application in I.A.No.51 of 2018 in H.M.O.P.No.16 of 2018 seeking for maintenance.

3. The learned counsel for the petitioner would submit that at present the petitioner is living with her aged parents at Chennai. According to her, she is unemployed and depending upon her parents. Since the respondent has filed the HMOP for dissolution of marriage before the Sub Court, Panruti, it will be difficult for her to travel along with her father for each and every hearing. Whereas, if the HMOP No. 16 of 2018 filed by the respondent is transferred to the file of the Family Court, Tambaram, it will be easy and convenient for her to take care of all the matters.

4. The learned counsel for the respondent submitted that the case may be transferred to Villupuram Court as the respondent is working in Villupuram district.

5. Heard both side and perused the materials available on record.

6. A perusal of the documents would indicate that the petitioner is living at her parents' home and the respondent has not taken care of his wife. In these circumstances, she cannot force her parents to incur additional expenditure to attend the proceedings at the Sub Court, Panruti and considering the 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], this Court feels it appropriate to withdraw and transfer H.M.O.P.No.16 of 2018 from the file of Sub Court, Panruti to Sub Court, Tambaram. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Judge,
Panruti.

2. The Subordinate Judge,
Tambaram.

+1 cc to M/s.C.K.M.Appaji, Advocate Sr.No. 97661

AKM/08.01.2020/3P-4C /

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