

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2019

C O R A M

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR C.M.P. No.802 of 2019
and CMP.No.22401 of 2019

P.Petrisia		... Petitioner
	Vs.	
A.Joshua Deepak		... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under section 24 of C.P.C., to withdraw and transfer I.D.O.P.No.388 of 2019 pending on the file of Family Court, Tiruchirapalli to Family Court, Chennai.

For Petitioner	:	Ms.R.Revathy
For Respondent	:	Notice served - No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw and transfer I.D.O.P.No.388 of 2019 pending on the file of Family Court, Tiruchirapalli to Family Court, Chennai.

2. The learned counsel for the petitioner submitted that the marriage between the petitioner and the respondent was solemnized on 25.01.2018. After marriage the petitioner and respondent were living at Pallikaranai, Chennai. The petitioner is a MCA graduate and working as a software engineer at Tech Mahindra Ltd., Sholinganallur, Chennai. The respondent is a MBA graduate and working at City Bank, Tidal Park, Chennai and he always use to doubt the petitioner to whom she was talking and check her mobile and behave like a hysteria patient. Due to the continuous torture by the respondent, the petitioner went to the extent of consuming sleeping pills on 18.09.2018 and thereafter she started living at her mother's house in Chennai. Thereafter the respondent had filed a petition for divorce with false allegation against the petitioner before the Family Court, Tiruchirapalli in I.D.O.P.No.388 of 2019. Since the petitioner is working at Chennai and staying at her mother's home she finds it difficult to travel from Chennai to Trichy along with her aged mother for every proceedings hence transfer is sought for.

3. This Court ordered notice to the respondent through Court as well as privately and the same was served on him. In spite of giving sufficient opportunities, the sole respondent has not entered into appearance before this Court either in person or through his counsel. Therefore, this court is inclined to pass orders on merits in accordance with law.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. A perusal of the documents would indicate that the petitioner is living at her parents' home and the respondent has not taken care of her. Since both petitioner and the respondent are staying at Chennai it would be easy for them if the petition is transferred to Chennai Family Court. Taking into consideration 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 I.D.O.P.No.388 of 2019 from the Family Court, Trichy to Family Court, Chennai.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Judge, Family Court, Trichy
2. The Judge, Family Court, Chennai.

+1 cc to M/s.R.Revathy, Advocate Sr.No. 96472

AKM/07.01.2020/2P-4C /

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