



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM :

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Tr.C.M.P. No.319 of 2022

and

C.M.P.No.6390 of 2022

R.Rukkumani

...Petitioner/Respondent

..Vs..

Dhamodharan @ Dharmaraj

...Respondent/Petitioner

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw and transfer the H.M.O.P.No.28 of 2021 pending on the file of the Sub Court, Madhurandagam and transfer the same to the file of the Principal Family Court, Chennai.

For Petitioner

: Mr.R.Sivakumar

For Respondent

: No appearance

O R D E R

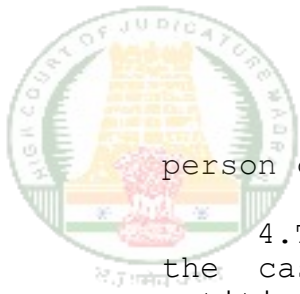
This Transfer Petition is filed by the petitioner/wife seeking to withdraw H.M.O.P.No.28 of 2021 filed by the respondent/husband for divorce from the file of the Sub Court, Madhurandagam and transfer the same to the file of the Principal Family Court, Chennai.

2. The transfer is sought on the following grounds:

a)The petitioner is residing at Chennai along with his minor son and aged father, who is suffering from cancer.

b)It would be difficult for her to travel along with her baby to attend each of the hearing at Sub Court, Madhurandagam, as she has no one to support her financially or to accompany her to the Court.

3.Heard the learned counsel appearing for the petitioner and perused the materials available on record. Though the respondent served with notice and his name has been printed in the cause list, there is no representation for the respondent either in



person or through counsel.

4.Taking into consideration the facts and circumstances of the case and looking into the grievance expressed by the petitioner and relying on the judgment of the Hon'ble Supreme Court 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], I feel that the convenience of the petitioner, who is the wife should be considered and preferred.

5.Hence, the transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.28 of 2021 pending on the file of the Sub Court, Madhurandagam, shall stand withdrawn and transferred to the file of the Principal Family Court, Chennai. The learned Judge, Sub Court, Madhurandagam is directed to transmit all the records pertaining to H.M.O.P.No.28/2021 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. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

vkr

To

1.The Sub Judge, Madhurandagam.

2.The Principal Judge, Family Court, Chennai.

Tr.C.M.P. No.319 of 2022
and C.M.P.No.6390 of 2022

GPL(CO)
RGA(16/06/2022)