



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.303 of 2022
and
C.M.P.No.6174 of 2022

Gokila ... Petitioner

..Vs..

Ganesh ... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw and transfer the FCOP SR.No.386/2021 filed by the respondent from the file of the Hon'ble Family Court, Ariyalur to the file of the Hon'ble Family Court, Villupuram.

For Petitioner : Mr.Selva Thirumurugan

For Respondent : Ms.P.Shanthini

O R D E R

This petition is filed to withdraw and transfer the FCOP SR.No.386/2021 filed by the Respondent from the file of the Family Court, Ariyalur to the file of the Family Court, Villupuram.

2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 17.05.2021 as per Hindu rites and customs. After marriage, both the petitioner and respondent were living together in the matrimonial home at Chennai. It is stated that right from the day one of the marriage, the respondent used to quarrel with the petitioner and that apart he and his parents started demanding dowry from the mother of the petitioner and thereafter the Respondent left the petitioner in her parental home at Villupuram, where her mother was residing. Thereafter,



the respondent filed F.C.O.P. SR.No.386 of 2021 on the file of the Family Court, Ariyalur seeking divorce.

4. According to the petitioner, she is staying with her mother at Villupuram and it is very difficult for her to travel such a long distance to attend the Court proceedings at Ariyalur. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer F.C.O.P.SR.No.386 of 2021 pending on the file of Family Court, Ariyalur, to the file of Family Court, Villupuram.

5. The learned counsel for the Respondent submitted that this petition for transfer has been filed only to drag on the proceedings and prayed for dismissal of the transfer petition.

6. Considering the above contention of the learned counsel for the petitioner and well settled judicial pronouncement of 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], I feel the convenience of the wife should be given preference in the matrimonial proceedings.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The petition in FCOP SR.No.386/2021 filed by the Respondent is ordered to be withdrawn from the file of Family Court, Ariyalur and transferred to the file of the Family Court, Villupuram. The learned Judge, Family Court, Ariyalur is directed to transmit all the records pertaining to FCOP SR.No.386/2021 to the file of the Family Court, Villupuram, 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-VI)

//True Copy//

Sub Assistant Registrar

arr



To

1. The Family Court Judge,
Ariyalur.

2. The Family Court Judge,
Villupuram.

+lcc to Mr.Selva Thirumurugan, Advocate, S.R.No.33246

Tr.C.M.P. No.303 of 2022
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NRL (CO)
UMA (17/06/2022)