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Tr.C.M.P.No.1204 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2024

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Tr.C.M.P.No.1204 of 2022

Monika

...Petitioner

Vs

P. Sivakumar

... Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the petition in the H.M.O.P.No.3009 of 2022 on the file of the II Additional Family Court to the file of Family Court, Villupuram.

For Petitioner : Mr. Logesh
for M.Ravi Bharathi
For Respondent : Mr. G.Raja

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the petition in the H.M.O.P.No.3009 of 2022 on the file of the II Additional Family Court to the file of Family Court, Villupuram.

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WEB COPY 2. The petitioner is the wife and respondent is the husband.

The learned counsel for the petitioner would contend that the marriage between the petitioner and respondent was conducted on 10.11.2021 as per Hindu rites and customs at Sri Kalikambal Kamadeswarar Devasthanam, Thambu Chetty Street, Chennai-600001. The respondent is a Technician in Dental Department at Stanley Government Hospital, Chennai. After a period of one week, the respondent brought the petitioner to her parent's house at Villupuram and asked her to stay with her parents. During that time, the respondent has started demanding huge dowry since he is being a technician in the Government Hospital. The petitioner refused to accept his demand and hence, he abused and threatened to kill her. In these circumstances, the respondent had filed H.M.O.P.No.3009 of 2002 on the file of the II Additional Family Court, Chennai to declare the marriage as null and void.

3. According to the petitioner, the distance between Chennai and Villupuram is about 170 kilometers and hence, it is very difficult for her to go to Chennai to attend the proceedings in H.M.O.P.No. 3009 of 2002.

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In the H.M.O.P pending before the II Additional Family Court, Chennai, the presence of spouse is mandatory for each and every hearing. In the said circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer H.M.O.P.No. 3009 of 2002 from the file of the II Additional Family Court, Chennai, to the file of the Family Court, Villupuram.

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

5.The contention of the learned counsel for the petitioner that the petitioner finds it difficult to travel nearly 170 kilometers from Villupuram to Chennai to attend the case in H.M.O.P.No.3009 of 2002 for each and every hearing.

6. Taking into consideration that 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.**



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Kumar Sanjay and another], and to avoid multiplicity of proceedings and conflicting judgments being delivered by two different Courts, H.M.O.P.No.3009 of 2002 is ordered to be withdrawn from the file of the II Additional Family Court, Chennai and transferred to the file of the Family Court, Villupuram. The learned II Additional Judge, Family Court, Chennai, is directed to transmit all the records pertaining to H.M.O.P.No.3009 of 2002 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.

7. Accordingly, the Transfer Civil Miscellaneous Petition is ordered.

No costs.

27.02.2024

msv

To

- 1.The II Additional Judge, Family Court, Chennai
- 2.The Judge, Family Court, Villupuram.



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J.NISHA BANU,J.

msv

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