



Tr.C.M.P.No.1356 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Tr.C.M.P.No.1356 of 2022

and

C.M.P.No.23220 of 2022

P.Priya
D/o Paulraj

... Petitioner

vs.

M.Sivaraja,
S/o Murugan

...Respondent

Prayer in Tr.C.M.P.: This Transfer Civil Miscellaneous petition has been filed under Section 24 of the C.P.C. to withdraw the petition in H.M.O.P.No.46 of 2022 from the file of the Subordinate Court, Usilampatti and transfer the same to any of the Family Court, Chennai.

For Petitioner : Mr.K.Manimaran

For Respondent : No appearance

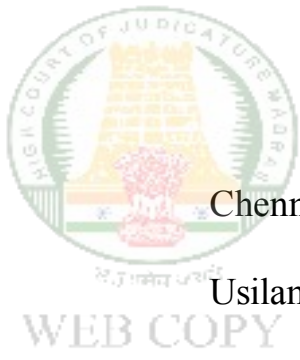
ORDER



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This Transfer C.M.P. has been filed to withdraw the petition in H.M.O.P.No.46 of 2022 from the file of the Subordinate Court, Usilampatti and transfer the same to any of the Family Court, Chennai.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent had solemnized on 17.06.2018 at Usilampatti - Batlagundu Main Road (Near Meyyanampatti Karuppasamy Temple,) S.K.P. Mahal according to Hindu rites and customs. The marriage was an arranged one with the consent of all relatives and parents of the petitioner and the respondent. Out of wedlock, a male child namely Kapilan was born on 09.05.2019 and now, he is studying in Sunshine Play School at Valasaravallam, Chennai. There arose some misunderstanding between the petitioner and the respondent. The respondent is working in Cognizant Centre, Thoraipakkam, Chennai and earning 75,000/- p.m. The petitioner is working as an Assistant Manager-IT in Cholamandalam Investment and Finance Company Ltd., Chennai. Since 04.11.2020, the petitioner is living separately and living at Alwarthirunagar, Chennai.. The parents of the respondent wanted to arrange another marriage for him. The respondent filed a petition for divorce in H.M.O.P.No.46 of 2022 on the ground of cruelty and desertion. The distance between Usilampatti and



Chennai is nearly 500 kilometers. The travel time is 7 to 8 hours to reach Usilampatti from Chennai. Thus, the petitioner has filed the present Transfer CMP.

3. Heard the learned counsel for the petitioner and perused the materials available on record. Though notice was served on the respondent and entered appearance through counsel, there is no representation on behalf of the respondent.

4. The contention of the learned counsel for the petitioner is that the petitioner finds it difficult to travel 500 kilometers from Chennai to Usilampatti to attend the cases in H.M.O.P.No.46/2022 for each and every hearing and the travel time is 7 to 8 hours to reach Usilampatti from Chennai.

5. 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. Kumar Sanjay and another*], H.M.O.P.No.46 of 2022 is ordered to be transferred from the file of the Subordinate Court, Usilampatti to the file of any of the Family Court, Chennai.

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



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No costs. Consequently, connected Miscellaneous Petition is closed.

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Index :yes/No
Speaking /Non speaking order
vsi

To

The Subordinate Court,
Usilampatti



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J.NISHA BANU, J.

vsi

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