

S. Sangita Vs. Ananda Kumar

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Court : Chennai Madurai

Decided On : Aug-12-2016

Judge : K. Kalyanasundaram

Appeal No. : Tr.CMP.(md).No. 143 of 2016

Appellant : S. Sangita

Respondent : Ananda Kumar

Judgement :

(Prayer: This petition is filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.88 of 2015 on the file of Sub Court at Virudhunagar and transfer to the file of Principal Family court at Coimbatore.)

1. This Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.88 of 2015 from the file of Sub Court at Virudhunagar and to transfer the same to the Principal Family court at Coimbatore.
2. The petitioner is the wife of the respondent. The marriage between them was solemnized on 29.08.2012e at Arulmighu Senthil Andavar Temple at Sankaralingapuram Village, Virudhunagar District, as per Hindu rites and customs.
3. The case of the petitioner is that due to continuous harassment of the respondent, she has started residing with her parents at Coimbatore and on 09.10.2015, in a road accident, the petitioner sustained injuries, while her mother

died on the same day.

4. Per contra, the Learned Counsel for the Respondent would submit that this petition has been filed to harass the respondent and it has no merits.

5. The Learned Counsel for the Petitioner would submit that the petitioner is a young lady, aged about 28 years and she is unemployed. She is residing with her aged parents at Coimbatore and she cannot travel to Virudhunagar to defend the case filed by the respondent. It is further submitted that the respondent filed H.M.O.P.No.88 of 2015 before the Sub-Court, Virudhunagr with false allegations.

6. It is settled law that in matrimonial cases, in case of transfer applications, the convenience of wife is to be given preference.

7. In such view of the matter, this Transfer Civil Miscellaneous Petition is allowed. The Learned Judge, Sub Court, Virudhunagar is directed to transmit the entire records in H.M.O.P.No.88 of 2015 to the file of the Principal Family court, Coimbatore, within a period of two weeks from the date of receipt of copy of this order and the Learned Family Court Judge, Coimbatore, after obtaining the records on transfer, shall dispose of the same as expeditiously as possible. Consequently, connected C.M.P.(md).No.2504 of 2016 is closed. No costs.

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