



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2015

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.167 of 2014

and

M.P(MD)No.1 of 2014

Valarmathi

... Petitioner

Vs.

K.Murugan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.41 of 2014 on the file of the Sub Court, Sankarankovil and transfer the same to Sub Court at Sivakasi.

For Petitioner : Mr.K.K.Samy

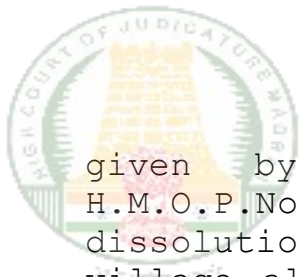
For Respondent : Mr.J.C.Rathinavel Pandian

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.41 of 2014 on the file of the Sub Court, Sankarankovil and transfer the same to Sub Court at Sivakasi.

2. The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 07.10.2006 at Sankaranarayana Temple Sankarankovil as per the Hindu Rites and Rituals. After the marriage, both of them started the matrimonial life at respondent house at Sankarankovil. Both of them are daily wage labourers. The petitioner was working as a Match Factory labour. The respondent deserted the petitioner without any reason on several times. The petitioner residing with her parents at Sivakasi.

3.The petitioner filed M.C.No.49 of 2007 before the Sub Court, Sivakasi for maintenance. The respondent appeared before Sub Court, Sivakasi. Due to compromise between the petitioner and the respondent the M.C.No.49 of 2007 withdrawn by the petitioner and started their life at petitioner's village Perapatti. Subsequently, the respondent left the matrimonial home on 24.11.2011 without any reason. Therefore, she filed M.C.No.49 of 2012 before the Sub Court, Sivakasi and subsequently, again withdrawn the same on the false promise



given by respondent. While so, the respondent filed H.M.O.P.No.41 of 2014 before the Sub Court, Sankarankovil for dissolution of marriage. The petitioner is residing at Perapatti village along with two children aged about 5 years and 3 1/2 years old. She is finding it very difficult to travel such a long distance from Sivakasi to Sankarankovil along with her children without help of others. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Sivakasi.

4.Now, the petitioner/wife filed this petition to transfer the aforesaid H.M.O.P.No.41 of 2014 filed by the respondent/Husband before the Sub Court, Sankarankovil to the Sub Court, Sivakasi.

5.Heard the learned counsel appearing for the petitioner and for the respondent. The learned counsel for the respondent has opposed the transfer of the case.

6.It is well settled law that whenever, the transfer application is filed in matrimonial disputes, the convenience of the wife shall be given preference. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.41 of 2014 on the file of the Sub Court, Sankarankovil is hereby withdrawn and transferred to the file of the Sub Court, Sivakasi, if the same is not yet disposed of. The learned Sub Court, Sankarankovil is directed to send the case bundles to the Court of the Sub Court, Sivakasi, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, M.P(MD)No.1 of 2014 is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The Subordinate Judge, Sankarankovil.

2.The Subordinate Judge, Sivakasi.

Copy to:

The Section Officer, Vernacular Records Section,
Madurai Bench of Madras High Court, Madurai

+1cc to Mr.K.K.Samy, Advocate Sr.No.20869

am

AA/18.05.2015/2p -5c/