



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P (MD) No.185 of 2014 and
M.P (MD) No.1 of 2014

Preethi ... Petitioner/Respondent
Vs.

Raja ... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.169 of 2014 pending before the Sub Court, Thoothukudi and transfer the same to the file of the Additional Sub Judge, Tirunelveli.

For Petitioner : Mr.P.Samuel Gunasingh
For Respondent : Mr.G.Prabhu Rajadurai

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.169 of 2014 pending before the Sub Court, Thoothukudi and transfer the same to the file of the Additional Sub Judge, Tirunelveli.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 23.05.2012, as per Hindu Rites and Customs. Due to misunderstanding, the petitioner left the matrimonial home. The respondent filed HMOP No.169 of 2014, for divorce, before the Sub Court, Thoothukudi.

3. Now, the petitioner is residing at Tirunelveli with her parents. The petitioner is depending on her parents for her day-to-day expenses including travel expenses. It is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.169 of 2014, before the Sub Court, Thoothukudi.

4. In such circumstances, the petitioner filed this petition to transfer the aforesaid HMOP No.169 of 2014, filed by the respondent, before the Sub Court, Thoothukudi, to Additional Sub Court, Tirunelveli.



5. Heard the learned counsel appearing for the petitioner.

6. The respondent entered appearance through counsel and he did not file any counter affidavit.

7. It is well settled law that whenever, the transfer petition is filed in matrimonial disputes, the convenience of the wife shall be given preference. Further, the petitioner has given valid reasons for transfer. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.169 of 2014, on the file of the Sub Court, Thoothukudi, is hereby withdrawn and transferred to the file of the Additional Sub Court, Tirunelveli, if the same is not yet disposed of. The learned Sub Judge, Thoothukudi, is directed to send the case bundles to the Additional Sub Court, Tirunelveli, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge Thoothukudi.

2. The Additional Subordinate Judge, Tirunelveli.

Copy To:

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai

+1cc to MR.G.Prabhu Rajadurai, Advocate Sr.No.39568

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AA/07.08.2015/ 2p- 5c/

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