



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2015

CORAM

WEB COPY

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.190 of 2014
and
M.P(MD)No.1 of 2014

V.Anbukarasi

.. Petitioner/Respondent.

Versus

B.Sundara Pandian

.. Respondent/Petitioner.

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code praying to withdraw and transfer the H.M.O.P.No.2005 of 2014 on the file of the Hon'ble Family Court, Chennai to be heard and tried on the file of the Hon'ble Sub Court, Paramakudi (Ramanathapuram District) for disposal of the same on merits and in accordance with law.

For Petitioner : Mr. M. Jerin Mathew

For Respondent : Mr.R.John Sathyan

O R D E R

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the H.M.O.P.No.2005 of 2014 on the file of the Hon'ble Family Court, Chennai to be heard and tried on the file of the Hon'ble Sub Court, Paramakudi (Ramanathapuram District).

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 03.12.2012, as per Christian Rites and Customs. After marriage, both the petitioner and the respondent were living together in matrimonial home at respondent's house. A male child was born in the wedlock. The family members of the respondent demanded dowry and treated the petitioner cruelly. She gave a complaint on 30.04.2014 to the Inspector of Police, R.K.Nagar Police Station at Chennai and the same was registered in Cr.No.544 of 2014, under Sections 147, 341, 323, 506(ii) IPC r/w 4 of Tamil Nadu Women Harassment Act. The respondent filed H.M.O.P.No.2005 of 2014, before the Family Court, Chennai for divorce.

3. Now, the petitioner is residing at Abiramapuram, Paramakudi along with her parents. The distance between Paramakudi and Chennai is more than 450 kms. The petitioner is not having any independent income. She depending on her parents for her day-to-day expenses including travel expenses. It is very difficult for the her to travel each and every hearing to attend HMOP No.2005 of 2014, before the Family Court, Chennai.

4. In such circumstances, the petitioner filed this petition to transfer the aforesaid H.M.O.P.No.2005 of 2014, filed by the respondent husband, before the Family Court, Chennai, to Sub Court, Paramakudi.

5. Heard the learned counsel appearing for the Petitioner.



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

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. 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.2005 of 2014, on the file of the Family Court, Chennai, is hereby withdrawn and transferred to the file of the Sub Court, Paramakudi, if the same is not yet disposed of. The learned Family Court Judge, Chennai, is directed to send the case bundles to the Sub Court, Paramakudi, 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.

am

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar.

To

1. The Judge Family Court, Chennai.

2.The Sub Judge, Paramakudi.

Copy to: The Section Officer, VR Section, Madurai Bench
of Madras High Court, Madurai.

1CC M/s.M.Jerin Mathew, Advocate, SR.No.40281

Tr.C.M.P(MD)No.190 of 2014 and
M.P(MD)No.1 of 2014

21.07.2015

2P/5c

AM/11.08.2015.