



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.07.2015
CORAM

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.214 of 2014 and
M.P(MD)No.1 of 2014

WEB COPY

M.Jothimani

... Petitioner/Respondent

Vs.

Jeyakumar

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.31 of 2014 on the file of Sub Court, Sankarankovil and transfer the same to the Sub Court, Sivakasi.

For Petitioner : Mr.G.Marimuthu
For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.31 of 2014 on the file of Sub Court, Sankarankovil and transfer the same to the Sub Court, Sivakasi.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 01.07.2012. After marriage, both the petitioner and respondent were living together at petitioner's house with her parents. The respondent tortured and ill-treated the petitioner demanding more dowry. Due to misunderstanding, the respondent filed H.M.O.P.No.31 of 2014 before the Sub Court, Sankarankovil, for divorce. The petitioner filed M.C.No.2 of 2014 before the Judicial Magistrate No.I, Sattur under Domestic Violence Act. The petitioner is residing at Sippiparai, Sathur Taluk with her parents. The respondent and his family members threatened the petitioner and stated that her life is in danger at the hands of the respondent and his men. It is very difficult for the petitioner to travel for each and every hearing in H.M.O.P.No.31 of 2014, before the Sub Court, Sankarankovil. The petitioner is depending on her parents for her day-to-day expenses including travel expenses.

3. In such circumstances, the petitioner filed this petition to transfer the aforesaid HMOP No.31 of 2014, filed by the respondent husband, before the Sub Court, Sankarankovil, to Sub Court, Sivakasi.

4. Heard the learned counsel appearing for the petitioner. Despite service of notice, the respondent has not chosen to appear either in person or through pleader.

5. 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.



6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.31 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 Judge, Sankarankovil is directed to send the case bundles to the Sub Court, Sivakasi, 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(RTI)

/True copy/

Sub Assistant Registrar

To

1. The Sub Judge, Sankarankovil.

2.The Sub Judge, Sivakasi.

Copy to:

The Section Officer,

VR Section,

Madurai Bench of Madras High Court,

Madurai.

+1cc to Mr.G.Marimuthu,Advocate SR.No.37700

Tr.C.M.P(MD)No.214 of 2014 and

M.P(MD)No.1 of 2014

09.07.2015

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