



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.226 of 2014 and

M.P(MD)No.1 of 2014

T.K.Aiswaryalakshmi

... Petitioner/Respondent

Vs.

L.S.Ayyappan

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case on the file of the Sub Court, Tambaram in HMOP No.266 of 2014 and transfer the same to the learned Subordinate Judge, Pudukottai.

For Petitioner : Mr.D.Rameshkumar

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of the Sub Court, Tambaram in HMOP No.266 of 2014 and transfer the same to the learned Subordinate Judge, Pudukottai.

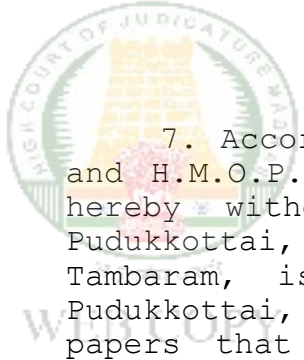
2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 08.07.2012 as per Hindu Rites and Customs. Due to misunderstanding, the respondent filed HMOP No.266 of 2014, before the Sub Court, Tambaram for dissolution of marriage.

3. Now, the petitioner is residing at Pudukkottai along with her parents. The distance between the Pudukkottai and Tambaram and Chennai is 375 kms. It is very difficult for her to attend H.M.O.P.No.266 of 2014, before the Sub Court, Tambaram. She is not having any independent income and she is depending on her parents for her day-to-day expenses including travel expenses.

4. In such circumstances, the petitioner filed this petition to transfer the aforesaid HMOP No.266 of 2014, filed by the respondent husband, from the Sub Court, Tambaram, to Sub Court, Pudukkottai.

5. 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.

6. 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.



7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.266 of 2014, on the file of the Sub Court, Tambaram, is hereby withdrawn and transferred to the file of the Sub Court, Pudukkottai, if the same is not yet disposed of. The learned Sub Judge, Tambaram, is directed to send the case bundles to the Sub Court, Pudukkottai, 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

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge, Tambaram.
2. The Subordinate Judge, Pudukkottai.

Copy to

The Section officer, V.R. Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S. D.Ramesh Kumar, Advocate in SR.No 39213

TS/04.08.2015/2P - 5C

Tr.C.M.P(MD)No.226 of 2014 and
M.P(MD)No.1 of 2014

16.07.2015