



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.07.2015
CORAM

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.233 of 2014 and
M.P(MD)No.1 of 2014

P.Shanmugapriya

... Petitioner/Respondent

Vs.

S.Nagarajan

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.166 of 2014 on the file of the Sub Court, Tirupur and transfer the same to the Sub Court, Srivilliputhur.

For Petitioner : Mr.K.Sudalaiyandi

For Respondent : Mr.S.Marimuthu

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.166 of 2014 on the file of the Sub Court, Tirupur and transfer the same to the Sub Court, Srivilliputhur.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 18.11.2012, as per Hindu Rites and Customs. After the marriage, both the petitioner and the respondent were living together in matrimonial home at Tirupur. In the matrimonial home, she was ill-treated by the respondent and his family members. The respondent and his family members mentally and physically tortured her. In the month of 2013, the petitioner was sent out from the matrimonial home without any reason. Now, she is residing at Srivilliputhur with her parents. In the circumstances, the respondent filed H.M.O.P.No.166 of 2014 before the Sub Court, Tirupur, for Dissolution of Marriage with false allegations.

3. In the above circumstances, the petitioner is staying at Srivilliputhur along with her parents. According to the petitioner, the distance between Srivilliputhur and Tirupur, is 300 kms and it is very difficult for the petitioner to travel to attend each and every hearing in H.M.O.P.No.166 of 2014, before the Sub Court, Tirupur and there is no one accompanying her to attend each and every hearing at Tirupur. The parents of the petitioner are aged persons. The petitioner met with an accident on 12.10.2013. Due to the injuries sustained by her, she is not in a position to travel a long distance.

4. Heard the learned counsel appearing for the petitioner.

5. The respondent filed counter affidavit making various allegations against the petitioner. He has stated that the petitioner is suffering from mental disorder. Therefore, he filed I.A.No.444 of 2014 to appoint the father of the petitioner as guardian for her. The petitioner has



suppressed the pendency of I.A.No.444 of 2014 filed by him and has not approached this Court with clean hands and therefore, prayed for dismissal of the Transfer Civil Miscellaneous Petition.

6.The petitioner and the respondent made allegations against each other. These allegations are not relevant to decide the Transfer Civil Miscellaneous Petition. The petitioner has stated that the distance between Srivilliputhur and Tirupur is more than 250 kms and it is very difficult for her to attend each and every hearing before the Sub Court, Tirupur.

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.166 of 2014, on the file of the Sub Court, Tirupur, is hereby withdrawn and transferred to the file of the Sub Court, Srivilliputhur, if the same is not yet disposed of. The learned Sub Judge, Tirupur, is directed to send the case bundles to the Sub Court, Srivilliputhur, 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, Tirupur.

3.The Sub Judge, Srivilliputhur.

Copy to:

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

+1cc to MR.K.Sudalaiyandi,Advocate SR.No.37592

+1cc to Mr.S.Marimuthu,Advocate SR.No.37373

Tr.C.M.P(MD)No.233 of 2014 and
M.P(MD)No.1 of 2014
08.07.2015

am

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