



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2015

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.241 of 2014 and
M.P(MD)No.1 of 2014

Kalaivani ... Petitioner/Respondent
Vs.

Subramani ... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the H.M.O.P.No.34/2014 on the file of Sub Court, Veda sandur, Dindigul to the Family Court, Trichy District.

For Petitioner : Mr.T.Senthil Kumar
For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the H.M.O.P.No.34/2014 on the file of Sub Court, Veda sandur, Dindigul to the Family Court, Trichy 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 07.09.2005, as per Hindu Rites and Customs. Two female children were born in the wedlock. After marriage, both the petitioner and respondent were living together in matrimonial home. Due to misunderstanding, the petitioner is residing at Trichy with her parents along with her children. She filed a petition in M.C.No.8 of 2013 before the Judicial Magistrate No.V, Trichy and now the case was transferred to the Additional Mahila Court (Magistrate Level), Trichy and the same is pending.

3.The respondent filed H.M.O.P.No.34 of 2014 before the Sub Court, Veda sandur, Dindigul District, for dissolving the marriage with false allegations.

4. Now, the petitioner is staying at Trichy along with her minor children. According to the petitioner, the distance between the Trichy and Veda santhur, is 140 kms and it is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.34 of 2014, before the Sub Court, Veda sandur. The



petitioner is not having any independent income and she is depending on her parents for her day-to-day expenses including travel expenses.

5. In the above circumstances, the petitioner filed this petition to transfer the aforesaid HMOP No.34 of 2014, filed by the respondent husband, before the Sub Court, Veda sandur, to Family Court, Trichy.

6. The learned counsel for the petitioner submitted that the respondent is regularly appearing before the Additional Mahila Court (Magistrate Level), Trichy for maintenance case in M.C.No.22 of 2014 and it is not difficult for the respondent to appear before the Family Court, Trichy.

7. 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.

8. It is well settled law that whenever, the transfer petition is filed in matrimonial disputes, the convenience of the wife shall be given preference.

9. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.34 of 2014, on the file of the Sub Court, Veda sandur, is hereby withdrawn and transferred to the file of the Family Court, Trichy, if the same is not yet disposed of. The learned Sub Judge, Veda sandur, is directed to send the case bundles to the Family Court, Trichy, 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(Crl.side)

/True copy/

Sub Assistant Registrar

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To

1. The Sub Judge, Veda sandur.

2. The Judge, The Family Court, Trichy.

3. The Section Officer, V.R. Section,

Madurai Bench of Madras High Court, Madurai.

+1cc to MR.T.Senthil Kumar, Advocate in SR NO.35032

Tr.C.M.P(MD)No.241 of 2014 and

M.P(MD)No.1 of 2014

01.07.2015