



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.249 of 2014 and
M.P(MD)No.1 of 2014

S. Vijayalakshmi

...Petitioner/Respondent

Vs.

S. Suresh

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in HMOP.No.107 of 2014 pending on the file of Sub Court, Udumalpet and transfer the same to the file of Sub Court at Sathur in Virudhunagar District.

For Petitioner	: Mr.C.M. Arumugam
For Respondent	: Mr.D. Anbarasu

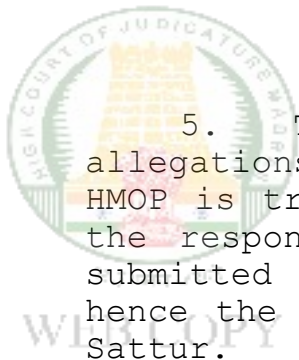
ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer HMOP.No.107 of 2014, on the file of Sub Court, Udumalpet to Sub Court at Sathur in Virudhunagar 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 07.06.2010. Two children were born in the Wedlock in the year 2011 and 2013 respectively. Due to mis-understanding, the petitioner left from matrimonial home along with her minor children. The respondent filed HMOP.No.107 of 2014, before the Sub Court, Udumalpet at Thiruppur District, for divorce.

3. Now, the petitioner is staying with her parents at Sattur in Virudhunagar District. Her parents are aged persons and suffering from old age problems. The distance between Sattur and Udumalpet is about 350 Kms and it is very difficult for the petitioner to travel for each and every hearing at Udumalpet, along with minor children. Further, she is not having any independent income. The petitioner is only depending on her parents for day to day expenses, including the travel expenses.

4. In such circumstances, the petitioner filed this petition to transfer the aforesaid HMOP.NO.107 of 2014, filed by the respondent before the Sub Court, Udumalpet at Thiruppur District, to Sub Court, Sattur in Virudhunagar District.



5. The respondent filed counter affidavit denying various allegations made by the petitioner. He further contended that if the HMOP is transferred to Sub Court, Sattur in Virudhunagar District, the respondent will be put to irreparable hardship. He further submitted that there is a threat by the petitioner to his life, hence the HMOP may be transferred to in any one of Court nearby, Sattur.

6. Heard the learned counsel appearing for both parties.

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.

8. Accordingly, the Transfer CMP is allowed and HMOP.No .107 of 2014, pending on the file Sub Court, Udumalpet at Thiruppur District, is ordered to be withdrawn and transferred to the file of Sub Court, Kovilpatti. The learned Subordinate Judge, Udumalpet, is directed to transmit the entire records pertaining to the case in HMOP.NO.107 of 2014, to the transferee Court, within a week from the date of receipt of a copy of this order, if the same is not yet disposed of. The Registry is also directed to send back the papers that are pending before the Registry. As and when the records received, the learned Subordinate Judge, Kovilpatti is directed to dispose of the above said HMOP as expeditiously as possible, in any event not later than 31st January 2016. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

trp

To

1. The Sub Judge, udumalpet at Thiruppur District.

2.The Sub Judge, Sattur, Virudhunagar District.

3.The Sub Judge, Kovilpatti.

Copy to:

The Record Keeper,

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

(For complying with the direction)

+1cc to Mr.D.Anbarasu,Advocate in Sr NO.34838

+1cc to Mr.C.M.Arumugam,Advocate in Sr NO.34768

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