



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2015

CORAM

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.271 of 2014 and

M.P(MD)No.2 of 2014

P. Dhanalakshmi

... Petitioner/Respondent

Vs.

Rajesh

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the HMOP.No.504 of 2013 from the file of the III Additional Sub Court, Madurai and transfer the same to the Principal Sub Court, Thiruppur.

For Petitioner : Mr.S.Balaji

For Respondent : M/s.S.Rajasekar for Mr.T.Lajapathi Roy

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer HMOP.No.504 of 2013 from the file of the III Additional Sub Court, Madurai, to the Principal Sub Court, Thiruppur.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 13.12.2007. After marriage, both the petitioner and the respondent were residing at Madurai, in matrimonial home with the respondent's mother and his brother. A female child was born, on 15.09.2008, in the wedlock. After the birth of child, the respondent on instigation of respondent's mother and brother, tortured the petitioner, mentally and physically and demanded more dowry. Further, the petitioner was severely beaten by the respondent and sustained injuries on her head and face. Therefore, she left from the matrimonial home and at present staying with her parents at Thiruppur.

3. The respondent issued notice dated 24.12.2012, through his advocate. The petitioner sent reply, dated 02.01.2013, through her advocate, denying the allegations made by the petitioner. The petitioner initiated domestic violence proceedings before the learned Judicial Magistrate-I, Thiruppur, claiming maintenance for her and minor child. The respondent filed HMOP.No.504 of 2013, for divorce, before the III Additional Sub Court, Madurai.

3. The petitioner is residing at Thiruppur with her parents. They are agricultural Coolies. The petitioner is not having any independent income. The distance between Madurai and Thiruppur is about 200 Kms. It is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.504 of 2013, before the III Additional Sub Court, Madurai.



4. In such circumstances, the petitioner/wife filed this petition to transfer the aforesaid HMOP No.504 of 2013 filed by the respondent/husband before the III Additional Sub Court, Madurai, to the Principal Sub Court, Thirupur.

5. The respondent entered appearance through his counsel. He did not file any counter. The learned counsel for the respondent contended that it will not be difficult for the petitioner to attend hearing, before the III Additional Sub Court, Madurai, and there is no necessity for the petitioner, to attend each and every hearing.

6. Heard the learned counsel appearing for the 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. 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.504 of 2013 on the file of the III Additional Sub Court, Madurai, is hereby withdrawn and transferred to the file of the Principal Sub Court, Thirupur, if the same is not yet disposed of. The learned III Additional Subordinate Judge, Madurai, is directed to send the case bundles to the learned Principal Subordinate Judge, Thirupur, immediately. As and when the records received, the learned Principal Subordinate Judge, Thirupur, is directed to dispose of the above said HMOP.No.504 of 2013, as expeditiously as possible, in any event not later than 31st December, 2015. 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

To

1. The III Additional Sub Court, Madurai
2. The Principal Sub Court, Thirupur.

Copy to:

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

+1cc to MR.S.Balaji, Advocate SR.No.28876

+1cc to Mr.T.Lajapathi Roy, Advocate SR.No.29305

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trp