



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2015

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.297 of 2014 and
M.P(MD)No.1 of 2014

C.Vidya

... Petitioner
Vs.

M.Gunasekar

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No.3189 of 2014 on the file of the Family Court, Chennai and transfer it to the Family Court, Madurai.

For Petitioner : Mr.J.Larance

For Respondent : Mr.V.Selvaraj

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.3189 of 2014 on the file of the Family Court, Chennai and transfer it to the Family Court, Madurai.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 30.07.2011. A male child was born in the wedlock. Due to misunderstanding, the respondent filed H.M.O.P.No.3189 of 2014 before the Family Court, Chennai for divorce.

3. Now, the petitioner is residing at Madurai along with her parents and the distance between the Madurai and Chennai is 500 kms and there is no male member to accompany the petitioner to attend H.M.O.P.No.3189 of 2014, before the Family Court, Chennai. The petitioner 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.3189 of 2014, filed by the respondent husband, before the Family Court, Chennai, to Family Court, Madurai.

5. Heard the learned counsel appearing for parties.

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Miscellaneous Petition is allowed and H.M.O.P.No.3189 of 2014, on the file of the Family Court, Chennai, is hereby withdrawn and transferred to the file of the Family Court, Madurai, if the same is not yet disposed of. The learned Family Court Judge, Chennai, is directed to send the case bundles to the Family Court, Madurai, 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.

8. The learned counsel for the respondent represented that the HMOP is of the year 2014 and direction may be given to the concerned Judge, to dispose the HMOP at the earliest.

9. The HMOP is of the year 2014, the learned Family Court Judge, Madurai is directed to dispose the HMOP No.3189 of 2014 as expeditiously as possible, in any event, not later than 31st December 2015.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

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To

1. The Family Court, Chennai.

2. The Family Court, Madurai.

copy to The Sub Assistant Registrar(Judicial),
Judicial Department,
Madurai Bench of Madras High court,
Madurai.

+one cc to Mr.J.Larance, Advocate in SR.No.39574

+one cc to Mr.R.Saravanan, Advocate in SR.NO.39405

Tr.C.M.P(MD)No.297 of 2014 and
M.P(MD)No.1 of 2014
16.07.2015

CSL/SK/SAR-II/21/08/2015

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