



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.329 of 2014

and

M.P(MD)No.1 of 2014

Mrs.A.Shyamala Devi

...Petitioner

Vs.

A.Narasingham

...Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the H.M.O.P.No.1437 of 2014 pending on the file of the HOn'ble III Additional Family Court, Chennai to Hon'ble Family Court, Kanyakumari at Nagercoil.

For Petitioner : Mr.D.Anbarasu

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the H.M.O.P.No.1437 of 2014 pending on the file of the Hon'ble III Additional Family Court, Chennai to Hon'ble Family Court, Kanyakumari at Nagercoil.

2. According to the petitioner, the respondent is a senior while the petitioner was studying in the College and she know him only as a senior. On the other hand, the respondent made a false allegations that the petitioner and the respondent married on 27.03.2013 in the presence of his family members and the same was alleged to have been registered before the Sub Registrar Office, Kodambakkam, Chennai. On these false allegations, the respondent filed H.M.O.P.No.1437 of 2014 before the Family Court, Chennai under Section 9 of Hindu Marriage Act, 1955 for Restitution of Conjugal Rights.

3.The petitioner is residing at Nagercoil along with her parents. She is unable to attend the hearing in Family Court, Chennai. Once she was set ex-parte on 22.07.2014 for not attending the hearing. She filed an application to set aside the ex-parte order and it was allowed on 02.09.2014 and the said H.M.O.P., is posted for hearing. The petitioner has sought for transfer on the ground that she is unable to attend each and every hearing at Chennai and therefore, she is prayed for transfer the H.M.O.P.No.1437 of 2014 pending on the file of the Family Court, Chennai to the file of District Court, Nagercoil.

4.Heard the learned counsel for the petitioner. Despite service of notice, the respondent has not chosen to appear either in person or through pleader.

5.The petitioner claims that no marriage was took place between the petitioner and the respondent. She has no relative at Chennai. She seeks transfer of H.M.O.P.No.1437 of 2014 on the file of the Family Court, Chennai to the file of District Court at Nagercoil.



6. Admittedly, the petitioner is residing at Nagercoil she has to look after her aged parents. It is well settled law that whenever, the transfer application 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.1437 of 2014 on the file of the III Additional Family Court, Chennai is hereby withdrawn and transferred to the file of the District Court, Nagercoil, if the same is not yet disposed of. The learned III Additional Family Court, Chennai is directed to send the case bundles to the Court of the District Court, Nagercoil immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, M.P(MD)No.1 of 2014 is closed.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

1.The III Additional Family Court,
Chennai.

2.The District Court, Nagercoil.

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

Copy to: The Section Officer, VR Section,
Madras High Court, Madras.

+1CC to M/s.R.V.Sivaraman, Advocate in SR.19053

Tr.C.M.P. (MD)No.329 of 2014
and MP (MD)no.1 of 2014
15.04.2015

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