



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.335 of 2014 and

M.P(MD)No.1 of 2014

WEB COPY

Panchavarnam

... Petitioner

Vs.

Prabhakaran @ Prabharamoorthi

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.38 of 2014 pending before the Sub Court, Paramakudi and transfer the same to any other Court within Thanjavur District.

For Petitioner : Mr.G.Karnan

For Respondent : No appearance

ORDER

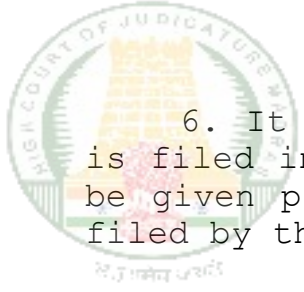
The Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.38 of 2014 pending before the Sub Court, Paramakudi and transfer the same any other Court within Thanjavur District.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 24.08.2007, as per Hindu Rites and Customs. After marriage, both the petitioner and respondent were living together in a matrimonial home. Due to some misunderstanding, the respondent and his family member sent out the petitioner from the matrimonial home. The Respondent filed H.M.O.P.No.38 of 2014 on the file of the Sub Court, Paramakudi for divorce.

3. Now, the petitioner is residing at Thanjavur with her parents along with minor child. The distance between the Thanjavur and Paramakudi, is more than 450 kms and it is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.38 of 2014, before the Sub Court, Paramakudi. 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.38 of 2014, filed by the respondent husband, before the Sub Court, Paramakudi, to any other competent Court in Thanjavur District.

5. 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.



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.38 of 2014, on the file of the Sub Court, Paramakudi, is hereby withdrawn and transferred to the file of the Sub Court, Thanjavur, if the same is not yet disposed of. The learned Sub Judge, Paramakudi, is directed to send the case bundles to the Sub Court, Thanjavur, 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 (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge, Paramakudi.
2. The Subordinate Judge, Thanjavur.

+ 1 CC TO M/S.G.KARNAN, ADVOCATE SR NO.38609

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TE:10/08/2015 : 2P/4C

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