



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2015

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**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

Tr.C.M.P(MD)No.352 of 2014 and  
M.P(MD)No.1 of 2014

Krishna Priya

... Petitioner  
Vs.

K.B.Aravindan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No.755 of 2014 on the file of the Family Court, Coimbatore and transfer the same to the file of the Subordinate Court, (Camp Court), Thirumangalam, Madurai.

For Petitioner : Mr.N.Vallinayagam  
For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.755 of 2014 on the file of the Family Court, Coimbatore and transfer the same to the file of the Subordinate Court, (Camp Court), Thirumangalam, Madurai.

2.The petitioner herein is the wife and the respondent is the husband of the petitioner. The marriage was solemnized between the petitioner and the respondent on 16.09.2005, as per Hindu Rites and Customs. Two male children were born, in the wedlock. Immediately after marriage, both the petitioner and the respondent lived together with the respondent's parents at Coimbatore. Few months after the marriage, the respondent demanded more dowry and since the petitioner's parents could not arrange the amount, the respondent and his family members ill-treated the petitioner. After that, the petitioner was sent out from the matrimonial home. In the month of May 2014, when the petitioner's second son fell sick, the respondent refused to take him to hospital and did not give money for his treatment. Therefore, the petitioner filed M.C.No.17 of 2014 before the Judicial Magistrate, Thirumangalam, claiming monthly maintenance of Rs.25,000/- Subsequently, the respondent also filed H.M.O.P.No.755 of 2014 before the Family Court, Coimbatore. After receiving summons, when the petitioner appeared before the Family Court, Coimbatore, the respondent and his people surrounded the petitioner and scolded her in filthy language and also threatened her.



3. In such circumstances, the petitioner has come out with the present petition to transfer HMOP No.755 of 2014 filed by the respondent/ husband before the Family Court, Coimbatore, to the Subordinate Court (Camp Court), Thirumangalam, Madurai.

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4. According to the petitioner, if the proceedings of H.M.O.P.No.755 of 2014 is conducted at Family Court, Coimbatore, she could not effectively defend and establish her rights.

5. Despite the notice being served on the respondent, he has not chosen to appear either in person or through counsel.

6. 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.755 of 2014 on the file of the Family Court, Coimbatore, is hereby withdrawn and transferred to the file of the Subordinate Court (Camp Court), Thirumangalam, Madurai. The learned Family Court Judge, Coimbatore, is directed to send the case bundles to the Subordinate Court (Camp Court), Thirumangalam, Madurai, 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(RTI)

/True Copy/

Sub-Assistant Registrar

To

1. The Judge, Family Court, Coimbatore.

2. The Subordinate Judge (Camp Court)

Thirumangalam, Madurai.

+One cc to Mr.N.Vallinayagam, Advocate, SR.No.28369

Copy to: The Section Officer,

V.R.Section,

Madurai Bench of Madras High Court, Madurai

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RL/5 c- 19/6/2015

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