



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 04.06.2015  
CORAM

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

Tr.C.M.P(MD)No.354 of 2014 and  
M.P(MD)No.1 of 2014

Vanitha

... Petitioner/Respondent  
Vs.

Senthil Prabu

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No.140 of 2014 on the file of the Sub-Court, Uthamapalayam and to transfer the said case on the file of the Sub-Court, Usilampatti.

For Petitioner : Mr.C.Vakeeswaran  
For Respondent : Mr.D.Sivaraman

**ORDER**

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.140 of 2014 on the file of the Sub-Court, Uthamapalayam and to transfer the said case on the file of the Sub-Court, Usilampatti.

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 22.02.2013. A female child was born on 06.07.2014, in the wedlock. After the birth of child, the respondent and his family members have not seen the female child and did not take the petitioner to the Matrimonial home. When the petitioner's family members have approached the respondent to take the petitioner to the matrimonial home, the respondent and his family members demanded Rs.2 lakhs from the petitioner. Therefore, the petitioner gave a complaint before the All Women Police Station, Usilampatti and the same was registered in Crime No.31 of 2014, an enquiry was conducted by All Women Police Station, Usilampatti.

3. In order to get over the complaint and enquiry, the respondent has filed H.M.O.P.No.140 of 2014 for restitution of conjugal rights. The respondent is also working in Raksha Hospital, Madurai and there is an inconvenience for the respondent also in attending the Court before the Sub-Court, Uthamapalayam.

4. The petitioner is depending on her parents for day to day expenses including travel expenses. The distance between Usilampatti and Uthamapalayam is about 70 kms and now, the petitioner is having 11 months old child and it is very difficult for the petitioner to travel from Usilampatti to Uthamapalayam for each and every hearing to attend the case in H.M.O.P.No.140 of 2014. In such circumstances, the petitioner has come out with the present petition to transfer the aforesaid HMOP No.140 of 2014 filed by the respondent/ husband before the Sub Court, Uthamapalayam to the Sub-Court, Usilampatti.



5.The respondent entered appearance through counsel and has not filed any counter and submitted that the respondent is working not in Madurai and he is working only in Theni. Therefore, he prayed for dismissal of this petition.

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.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.140 of 2014 on the file of the Sub Court, Uthamapalayam, is hereby withdrawn and transferred the same to the file of the Sub-Court, Usilampatti. The Sub Court, Uthamapalayam is directed to send the case bundles to the Sub-Court, Usilampatti 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(AS)

/True copy/

Sub Assistant Registrar

To  
1.The Subordinate Judge,  
Uthamapalayam.  
  
2.The Subordinate Judge,  
Usilampatti.

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

+1cc to Mr.C.Vakeeswaran, Advocate SR.No.27912

Tr.C.M.P(MD)No.354 of 2014 and  
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04.06.2015

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