



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.359 of 2014 and
M.P(MD)No.1 of 2014

S.Udhayavardhini

... Petitioner

Vs.

R.N.Swaminathan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the H.M.O.P.No.44 of 2014 on the file of the Sub Court, Ramanathapuram to the Family Court, Madurai.

For Petitioner : Mr.R.Srinivasan
For Respondent : Mr.V.Sitharanjandas

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the H.M.O.P.No.44 of 2014 on the file of the Sub Court, Ramanathapuram 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 28.10.2012. Due to misunderstanding, she gave a complaint before the All Women Police Station, Ramanathapuram. The respondent filed H.M.O.P.No.44 of 2014, before the Sub Court, Ramanathapuram. When the petitioner and her father went to attend the hearing, the respondent and his parents waylaid her and threatened them with dire consequences. They threatened that unless she agree for divorce, they will murder her and her father. Her father escaped from the scene.

3. Now, the petitioner is residing at Madurai along with her parents. It is very difficult for her to travel each and every hearing to attend H.M.O.P.No.44 of 2014, before the Sub Court, Ramanathapuram. 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.44 of 2015, filed by the respondent husband, before the Sub Court, Ramanathapuram, to Family Court, Madurai.

5. Heard the learned counsel appearing for the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

6.The respondent entered appearance through counsel and filed counter affidavit denying various allegations made by the petitioner.



According to the respondent, the petitioner has come out with the present petition only to drag on the proceedings and therefore, prayed for dismissal of the transfer petition.

7. The petitioner and the respondent have made allegations and counter allegations. Those allegations are not necessary to decide the transfer petition.

8. From the pleadings, it is seen that she is residing at Madurai. According to her, she finds it very difficult to travel each and every hearing to attend the case at Sub Court, Ramanathapuram. Her father is retired senior citizen and he is finding it very difficult to accompany the petitioner to go to Ramanathapuram. Further, they were threatened by the respondent and his family members, when they went to Ramanathapuram to attend the hearing. The respondent denied that he threatened the petitioner and her father at any point of time.

9. Without deciding the allegations and denial, it is to be noted that in matrimonial cases convenience of the wife shall be given preference. In the present case, the petitioner is residing at Madurai and being a lady it will be convenient to the petitioner and in the interest of justice, if it is transferred to Madurai. The respondent stated that he is working as Revenue Inspector at Mandabam, Ramanathapuram District and it is very difficult for him to take leave to attend every hearing before the Family Court, Madurai. In view of the representation made by the respondent, the H.M.O.P.No.44 of 2014, on the file of the Sub Court, Ramanathapuram, is transferred to III Additional Sub Court, Madurai, so that the respondent can represent the case through Advocate and attend the hearing, whenever his presence is necessary.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.44 of 2014, on the file of the Sub Court, Ramanathapuram, is hereby withdrawn and transferred to the file of the III Additional Sub Court, Madurai, if the same is not yet disposed of. The learned Sub Judge, Ramanathapuram, is directed to send the case bundles to the III Additional Sub 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.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Sub Court, Ramanathapuram.
2. The III Additional Sub Court, Madurai.

Copy to: The Section Officer,

V.R.Section, Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.R.Srinivasan, Advocate SR.No.41068

+1cc to Mr.V.Sitharanjandas, Advocate SR.No.41054

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