



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.06.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

WEB COPY

Tr.C.M.P.(MD).No.366 of 2014 and
M.P.(MD).No. 1 of 2014

J. Yamunadevi : Petitioner

Vs.

N. Umapathy : Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw the HMOP.No.601 of 2014 on the file of the Family Court, Trichy and transfer the same to the Family Court, Dindigul.

For Petitioner : Mr. B.A. Muruganantham
For Respondent : Mr. K. Rajeshwaran

O R D E R

This petitioner, who is the respondent in HMOP.No.601 of 2014 filed this petition, to transfer HMOP.No.601 of 2014 from the file of the Family Court, Trichy to Family Court, Dindigul.

2. The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 01.02.2009. A male child was born in the wedlock. Due to mis-understanding between the petitioner and the respondent, the respondent / husband filed HMOP.No.735 of 2013, before the Principal Sub-Court, Trichy, for divorce. Subsequently, the said HMOP was transferred to Family Court, Trichy, and re-numbered as HMOP.No.601 of 2014.

3. Now, the petitioner is staying with her aged parents at Dindigul. The distance between Trichy and Dindigul is approximately 80 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.NO.601 of 2014, before the Family Court, Trichy. Further, she is not having any independent income. The petitioner is only depending on her parents for her day-to-day expenses, including the travel expenses. In the circumstances, the petitioner has filed the present petition to transfer HMOP.No.601 of 2014, from the file of the Family Court, Trichy, to the Family Court, Dindigul.

4. The respondent entered appearance through his counsel and he did not file any counter affidavit. The learned counsel for the respondent contended that it will not be difficult for the petitioner, to attend hearing at Family Court, Trichy and he prayed for dismissal of this Transfer C.M.P.



5. Heard the learned counsel appearing for both parties.

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, the Transfer CMP is allowed and HMOP No.601 of 2014, pending on the file of the Family Court, Trichy, is ordered to be withdrawn and transferred to the file of the Family Court, Dindigul. The learned Family Court Judge, Trichy, is directed to transmit the entire records pertaining to the case in HMOP No.601 of 2014 to the transferee Court, within a week from the date of receipt of a copy of this order. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

trp

To

1. The Family Court, Trichy
2. The Family Court, Dindigul
3. The Section Officer,

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

+1cc to Mr. B.A.Muruganantham, Advocate in Sr NO.28800

+1cc to Mr.K.Rajeshwaran, Advocate in Sr No.30005

Tr.C.M.P. (MD) .No.366 of 2014 and
M.P. (MD) .No. 1 of 2014
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