



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.06.2015

CORAM
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.378 of 2014
and M.P(MD)No.1 of 2014

T.Kohila @ Sharmila

... Petitioner/Respondent

Vs.

Mr.R.Thangaraman

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.173 of 2014 pending on the file of Sub Court No.III Camp at Thirumangalam, Madurai and to transfer the same to Sub Court, Poonamallee, Thiruvallur District.

For Petitioner : Mr.S.Siva Ilayaraja
For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.173 of 2014 pending on the file of Sub Court No.III Camp, at Thirumangalam, Madurai and to transfer the same to Sub Court, Poonamallee, Thiruvallur District.

2. The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 02.11.2008 as per Hindu Rites and Customs. In the wedlock, a female child was born on 01.07.2009 and the baby is a premature baby and therefore, the parents of the petitioner spent more than Rs.85,000/-, for delivery. The respondent and his family members demanded more dowry and treated the petitioner mercilessly and beat her every day. Because of the ill-treatment and torture, the petitioner gave a complaint before the Chindupatti Police Station at Madurai District and FIR also registered in Cr.No.71 of 2014 for the offences under Sections 294 (b), 342, 323, 506(i) of IPC. The petitioner and her daughter are staying with her parents in Chennai. The daughter is studying first standard in M.G.R.Adarsh School, Mogappair, Chennai. The petitioner's parents are taking care of the petitioner and her daughter and meeting out all the expenses for them.

3. According to the petitioner, the respondent threatened the petitioner to withdraw the complaint given by her against the respondent and his family members. To escape from the criminal case with ulterior motive and false allegations, he filed a petition in H.M.O.P.No.173 of 2014, for Restitution of Conjugal

Rights before the Sub Court No.III camp at Thirumangalam.

4. According to the petitioner, she is residing at Chennai with her daughter Reshma. The petitioner's parents suffering with several health ailments due to their old age. They cannot accompany with the petitioner to attend the case before the Sub Court No.III, Camp at Thirumangalam, for each and every hearing. The distance between the Chennai and Thirumangalam is more than 500 kms. The petitioner is depending on her parents for day to day expenses including the travel expenses.

5.Now, the petitioner/wife filed this petition to transfer the aforesaid HMOP No.173 of 2014 filed by the respondent/Husband before the Sub Court III, Camp at Thirumangalam to the Sub Court, Poonamallee, Thiruvallur District.

6.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.

7. 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.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.173 of 2014 on the file of the Sub Court No.III, Camp at Thirumangalam, is hereby withdrawn and transferred to the file of the Sub Court, Poonamallee, Thiruvallur, if the same is not yet disposed of. The learned Sub Judge No.III, Camp at Thirumangalam is directed to send the case bundles to the Sub Court, Poonamallee, Thiruvallur, 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

ASST REGISTRAR(CRL SIDE)

TRUE COPY

SUB ASST REGISTRAR

am

To

1.The Sub Court No.III Camp at Thirumangalam.

2.The Sub Court, Poonamallee

Copy to : The Section Officer,

Madurai Bench of Madras High Court, Madurai.

1CC TO MR. S. SIVA ILAYARAJA, ADV. SR: 28107

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

2P:5C

Tr.C.M.P.(MD)No.378 of 2014