



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.06.2015

CORAM
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.383 of 2014
and M.P(MD)No.1 of 2014

Sangeetha ... Petitioner

Vs.

Murugesan ... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the HMOP.No.193 of 2014 from the file of the Sub Court, Pudukkottai to the Family Court, Trichy.

For Petitioner : Mr.T. Senthilkumar
For Respondent : No appearance

ORDER

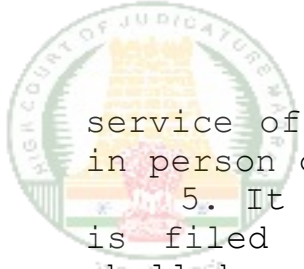
The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in H.M.O.P.No.193 of 2014 from the file of the Sub Court, Pudukkottai to the Family Court, Trichy.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 08.09.2005, as per Hindu Rites and Customs. One female and male children were born in the wedlock. After the birth of the children, the respondent / husband changed his attitude and tortured the petitioner / wife, demanding dowry and sent out her from the matrimonial home. Subsequently, the petitioner filed M.C.No.87 of 2014, for maintenance, before the Learned Chief Judicial Magistrate, Trichy. The respondent filed HMOP.No.193 of 2014 before the Sub Court, Pudukkottai, for divorce.

3. According to the petitioner, the respondent is an influential person with money and muscle power. Hence, there is no safety for her life, if she goes to Pudukkottai, to attend the case. Further, now only, she delivered a male baby and it is very difficult for her to travel from Trichy to Pudukkottai. There is no one to accompany her to attend each and every hearing, before the Sub Court, Pudukkottai. In the above circumstances, she filed

<https://hcs.easyposts.com/hcs/Print>

4. Heard the learned counsel for the petitioner. Despite



service of notice, the respondent has not chosen to appear either in person or through counsel.

5. 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.

6. Accordingly, the Transfer CMP is allowed and the HMOP No.193 of 2014 pending on the file of the Sub Court, Pudukkottai, is ordered to be withdrawn and transferred to the file of the Family Court, Trichy. The learned Subordinate Judge, Pudukkottai, is directed to transmit the entire records pertaining to the case in HMOP No.193 of 2014 to the transferee Court, within a week from the date of receipt of a copy of this order, if the same is not yet disposed of. 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

ASST REGISTRAR (WRITS)
TRUE COPY

SUB ASST REGISTRAR

trp

To

1.The Subordinate Judge,Pudukkottai

2.The Family Court Judge, Family Court, Trichy

Copy to : The Section Officer, VR SECTION

Madurai Bench of Madras High Court, Madurai.

1CC MR. T. SENTHIL KUMAR, ADV., SR: 28463

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