



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2015

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

Tr.C.M.P.(MD).No.389 of 2014 and
M.P.(MD).No. 1 of 2014

Subbulakshmi @ Sudha : Petitioner/Respondent

Vs.

Gunasekaran : Respondent/Petitioner

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw the case in HMOP.No.212 of 2014 pending on the file of Family Court, Villupuram and to transfer the same Sub Court, Kovilpatti in Thoothukudi District.

(Prayer amended vide order dated 16.06.2015 made in MP(MD)No. 1 of 2015)

For Petitioner : Mr. S. Sivailayaraja

For Respondent : Mr. R.T.S. Ravanan

O R D E R

The petitioner, who is the respondent in HMOP.No.212 of 2014 filed this petition, to transfer HMOP.No.212 of 2014, from the file of Family Court, Villupuram, to Sub Court, Kovilpatti, Thoothukudi District.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 02.07.2006. A female child was born in the wedlock. The respondent was working as a Carriage Mechanic in Southern Railway at Villupuram. Due to mis-understanding between the petitioner and the respondent, now the petitioner is living with her parents along with minor child at Kovilpatti. The daughter is studying third standard at Lakshmi Srinivasa Matriculation School, Kovilapatti. The petitioner filed M.C.No.1 of 2014, before the learned Judicial Magistrate-II, Kovilpatti, claiming maintenance. The respondent filed HMOP.No.195 of 2014, before the Principal Subordinate Court, Villupuram, for restitution of conjugal rights. Subsequently, it was transferred to Family Court, Villupuram and re-numbered as HMOP.No.212 of 2014.

3. Now, the petitioner is staying with her parents along with minor child at Kovilpatti. The distance between Kovilpatti and Villupuram is approximately 500 Kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.212 of 2014, before the Family Court, Villupuram. 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.212 of 2014,



from the file of Family Court, Villupuram to Subordinate Court, Kovilpatti, Thoothukudi District.

4. The respondent entered appearance through his counsel and he did not file any counter affidavit. The learned counsel for the respondent submitted that it is very difficult for the petitioner to take leave and appear before the Subordinate Court, Kovilpatti, for each and every hearing 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.212 of 2014, pending on the file of Family Court, Villupuram, is ordered to be withdrawn and transferred to the file of Subordinate Court, Kovilpatti, Thoothukudi District. The learned Family Court Judge, Villupuram, is directed to transmit the entire records pertaining to the case in HMOP No.212 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. The respondent shall appear before the Subordinate Court, Kovilpatti, as and when required by the learned Subordinate Judge, Kovilpatti. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Judge, Family Court, Villupuram

2. The Subordinate Judge, Kovilpatti.

Copy to

The Section officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S. S.Siva Ilayaraja, Advocate in SR.No 33399

TS/23.07.2015/2P - 5C

Tr.C.M.P. (MD) .No.389 of 2014 and
M.P. (MD) .No. 1 of 2014
24.06.2015