



WEB COPY

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.390 of 2014 and
M.P(MD)No.1 of 2014

A. Vanitha ... Petitioner
Vs.
T. Karpagaraj ... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the HMOP.No.69 of 2014 from the file of the Sub Court, Sivakasi to the District Court, Thanjavur.

For Petitioner : Mr.P. Sesubalanraja

For Respondent : Mr. S. Mayaperumal

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in H.M.O.P.No.69 of 2014 from the file of the Sub Court, Sivakasi to the District Court, Thanjavur.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 10.09.2010. Due to mis-understanding between the petitioner and the respondent, the petitioner left from the matrimonial home. The respondent filed HMOP.No.69 of 2014, before the Sub Court, Sivakasi, for dissolution of marriage.

3. After receiving notice at Sivakasi address, now, she is staying along with her parents at Thanjavur. According to the petitioner, the distance between Thanjavur and Sivakasi is about 250 kms and it is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.69 of 2014, before the Sub Court, Sivakasi. The petitioner being a lady, she cannot travel with her one year old child for each and every hearing. Further, she is depending on her parents for day to day expenses including travel expenses.

4. In such circumstances, the petitioner/wife filed this petition to transfer the aforesaid HMOP No.69 of 2014 filed by the respondent/husband before the Sub Court, Sivakasi, to the District Court, Thanjavur.

5. Head the learned counsel for 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 over the husband. 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the Transfer CMP is allowed and the HMOP No.69 of 2014 pending on the file of the Sub Court, Sivakasi is ordered to be withdrawn and transferred to the file of the District Court, Thanjavur. The learned Subordinate Judge, Sivakasi, is directed to transmit the entire records pertaining to the case in HMOP No.69 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/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To

1.The Principal District Judge,
Thanjavur.

2.The Subordinate Judge,
Sivakasi.

Copy to:

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

+1cc to Mr.P.Sesubalan Raja,Advocate SR.No.29844

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trp

PA/IV/23.06.2015/2P/5C