



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.391 of 2014 and
M.P(MD)No.1 of 2014

Rajendri

... Petitioner

Vs

Mohan Raj

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the H.M.O.P.No.103 of 2014 from the file of Principal Sub-Judge, Karur to the Family Court, Trichy.

For Petitioner : Mr.T.Senthilkumar

For Respondent : Mr.N.Shanmugaselvam

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the H.M.O.P.No.103 of 2014 from the file of Principal Sub-Judge, Karur 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 24.05.1995. After the marriage, both were living together in a matrimonial home at Karur. A male child was born in the wedlock. Due to misunderstanding, the respondent filed H.M.O.P.No.103 of 2014 before the Principal Sub Court, Karur for Restitution of Conjugal Rights.

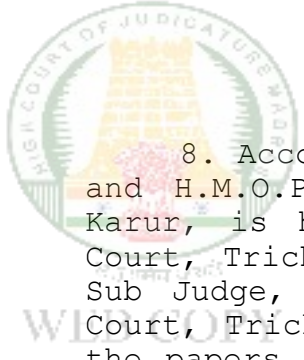
3. Now, the petitioner is residing at Trichy along with minor child and the distance between the Trichy and Karur, is 70 kms and there is no male member to accompany the petitioner to attend H.M.O.P.No.103 of 2014, before the Principal Sub Court, Karur. The petitioner is depending on her parents for her day-to-day expenses including travel expenses.

4. In such circumstances, the petitioner filed this petition to transfer the aforesaid HMOP No.103 of 2014, filed by the respondent husband, before the Principal Sub Court, Karur to Family Court, Trichy.

5. Heard the learned counsel appearing for the petitioner.

6. The respondent entered appearance through counsel and he did not file any counter.

7. 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.



8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.103 of 2014, on the file of the Principal Sub Court, Karur, is hereby withdrawn and transferred to the file of the Family Court, Trichy, if the same is not yet disposed of. The learned Principal Sub Judge, Karur, is directed to send the case bundles to the Family Court, Trichy, immediately. 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(RTI)

/TRUE COPY/

Sub Assistant Registrar

To
1. The Principal Sub Court, Karur
2. The Judge, Family Court, Trichy.

Copy to The Section Officer, V.R. Section, Madurai Bench of
Madras High court, Madurai.

+1 CC TO M/S T.SENTHILKUMAR, ADVOCATE, SR NO:39384

am/JAM/6.8.15/2P-5C

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