



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2015

CORAM

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P (MD) No.400 of 2014

and

M.P (MD) No.1 of 2014

R.Nagalakshmi

... Petitioner

Vs.

S.Raja

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in F.C.O.P.No.2535 of 2014 from II Additional Family Court at Madras and transfer the same to Family Court at Srivilliputtur, Virudhunagar District.

For Petitioner : Mr.G.Marimuthu

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in F.C.O.P.No.2535 of 2014 from II Additional Family Court at Madras and transfer the same to Family Court at Srivilliputtur, Virudhunagar 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 27.05.2010 at Arulmighu Narayanasamy Thirukovil, S.Ramachandrapuram, Virudhunagar District as per the Hindu Rites and Customs. After the marriage, both the petitioner and the respondent lived in matrimonial home at Chennai. The respondent is working as a Purchase Manager in Diabetic Food Care India Pvt. Ltd., He is earning a sum of Rs.23,000/- per month. Due to misunderstanding, the petitioner is staying with her aged parents at W.Pudupatti, Srivilliputhur Taluk.

3.The respondent filed F.C.O.P.No.2535 of 2014 for divorce before the II Additional Family Court, Madras on the ground of Cruelty and Adultery. The distance between the Srivilliputhur and Chennai is more than 500 Kms. There is no one in the family for accompanying with her for each and every hearing. The petitioner has no source of independent income to meet the expenditure. She is finding it very difficult to travel such a long distance from Srivilliputhur to Chennai. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Srivilliputhur.

4.In the above circumstances, the petitioner/wife filed this petition to transfer the aforesaid F.C.O.P.No.2535 of 2014 filed by the respondent/Husband before the II Additional Family Court, Madras to the Family Court at Srivilliputtur, Virudhunagar District.



5. Heard the learned counsel for the petitioner. Despite service of notice, the respondent has not chosen to appear either in person or through pleader.

6. 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.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and F.C.O.P.No.2535 of 2014 on the file of the II Additional Family Court, at Madras is hereby withdrawn and transferred to the file of the Family Court at Srivilliputhur, Virudhunagar District filed by the respondent, if the same is not yet disposed of. The learned II Additional Family Court, Madras is directed to send the case bundles to the Court of the Family Court at Srivilliputtur, Virudhunagar District, 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/-

Assistant Registrar(Per.Admn.)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Judge of the II Additional Family Court,
Madras

2. The Judge, The Family Court,
Srivilliputhur.

+1cc to Mr.G.Marimuthu, Advocate, SR.No.21421

Tr.C.M.P. (MD)No.400 of 2014
23.04.2015

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